

Exhibit A-1

HEARING DATE: AUGUST 25, 2017 BEFORE JUDGE VOGEL

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al.)
Defendants)

**MOTION OF THE DEFENDANTS, ABDUL BARAKAT, M.D. AND OCEAN STATE
PAIN MANAGEMENT, P.C., TO EXTEND THE DISCOVERY DEADLINE AND
SCHEDULING ORDER**

NOW COME the Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, P.C., and humbly request that this Honorable Court extend the discovery deadline and amend the Scheduling Order issued by Judge Vogel on April 21, 2017. The Defendants submit that, pursuant to this Court's Scheduling Order, extensive efforts have been made to commence and complete twenty-six pending out-of-state depositions integral to the matter of causation in this case which are highly relevant to the Defendants' theory of comparative fault on or before the discovery deadline set for August 31, 2017. Nevertheless, the Massachusetts Federal District Court issued an Order on July 5, 2017 which wholly prevents any civil litigant from conducting the depositions of these witnesses until the conclusion of the related federal criminal matter. The Defendants are in the process of seeking clarification from the Massachusetts Federal District Court as to whether this Rhode Island state case is subject to the Federal Court's July 5th Order, which prevents the Defendants from completing the various depositions prior to the closing of

this case's discovery deadline.

At present, it is impossible for the Defendants to comply with the conflicting orders of the Rhode Island Superior Court and Massachusetts Federal District Court. The Defendants cannot complete the necessary discovery to collect the critical and highly pertinent evidence directly impacting the matter of causation in this case without possibly interfering with the federal criminal trial. For those reasons, the Defendants humbly request that this Honorable Court extend the discovery deadline to allow additional time to address this matter further and amend the Scheduling Order to take into consideration the stay placed on these depositions due to the pending criminal trials. In the alternative, the Defendants request this Honorable Court preserve their rights to take these out-of-state depositions once deemed permissible and use the testimonial evidence at trial.

In support of their arguments, the Defendants submit the following memorandum of law.

Respectfully submitted,
By attorney for Ocean State Pain
Management, P.C. and Abdul Barakat, M.D.,

/s/ Alysson M. Gray
CAPPLIS, CONNORS, & CARROLL, P.C.
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STATE PAIN MANAGEMENT, P.C., et al.)
Defendants)

CERTIFICATE OF SERVICE

I, Alysson M. Gray, attorney for said defendants, hereby make oath that I have this day served a copy of the attached:

**MOTION OF THE DEFENDANTS, ABDUL BARAKAT, M.D. AND OCEAN STATE
PAIN MANAGEMENT, P.C., TO EXTEND THE DISCOVERY DEADLINE AND
SCHEDULING ORDER**

upon all parties, through the e-filing system directed to:

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Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
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Signed under the pains and penalties of perjury.

DATED: August ____, 2017

/s/ Alysson M. Gray
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**MEMORANDUM IN SUPPORT OF MOTION OF THE DEFENDANTS, ABDUL
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In support of their arguments, the Defendants submit the following:

I. FACTUAL BACKGROUND OF THE PRESENT RHODE ISLAND STATE CASE

In September 2012, the Plaintiff, Mrs. Patricia Schmiedeknecht, (hereinafter "the Plaintiff") presented to Ocean State Pain Management, P.C. (hereinafter "Ocean State") to receive medical care from Abdul Barakat, M.D. (hereinafter, "Dr. Barakat") to address her chronic back pain. After completing his examination, Dr. Barakat recommended a series of injections of a steroid called methylprednisolone acetate ("MPA") into the Plaintiff's back to address her pain. Dr. Barakat performed a total of four procedures, injecting MPA into the Plaintiff's left sacroiliac joint, right sacroiliac joint, transforaminal joint, and right facet lumbar spine joint respectively. The MPA administered to the Plaintiff was purchased by Ocean State from a compounding facility located in Framingham, MA called the New England Compounding Company ("NECC").

Sometime thereafter, Ocean State was contacted by the NECC and notified that certain lots of MPA had been recalled by the Center for Disease Control and Prevention (“CDC”) due to a possible pathogenetic contamination found growing within the medication. In response to this news, Ocean State immediately segregated all recalled vials of MPA that it purchased from the NECC and made extensive efforts to notify those patients who received epidural steroid injections of MPA – including the Plaintiff.

On or about October 27, 2012, Ocean State learned that the Plaintiff underwent a lumbar puncture at the Miriam Hospital and was subsequently diagnosed with fungal meningitis. It is understood by the Plaintiff that her meningitis was caused by the fungal pathogen found within the MPA she received in September 2012.

A sample of her spinal fluid was analyzed and determined to contain the same fungal pathogen responsible for the nationwide outbreak caused by the conduct of the NECC. This outbreak launched a lengthy investigation by the FDA and CDC and resulted in the filing of both criminal charges and dozens of civil lawsuits across the United States.

**II. FACTUAL BACKGROUND OF THE CIVIL AND CRIMINAL MATTERS
CONCERNING THE NEW ENGLAND COMPOUNDING COMPANY PENDING IN
THE MASSACHUSETTES FEDERAL DISTRICT COURT**

The NECC was a Massachusetts corporation allegedly licensed as a pharmacy by the Massachusetts Board of Registration in Pharmacy. Between 1998 until late 2012, the NECC held itself out as a compounding-only pharmacy that prepared, mixed, assembled, packaged, and labeled sterile medications. One such medication was MPA.

The NECC engaged in the business of high-risk compounding. This meant that the NECC represented that it manufactured sterile medications by using nonsterile ingredients. It was the NECC’s responsibility to ensure that its final product was sterile – free from any

bacterial or fungal contamination – because those drugs were intended to be injected into the human body. In this case, the MPA was intended to be injected into the epidural space near the patient’s spine. It was the NECC’s utmost responsibility – according to both state and federal regulations – to ensure that its product was sterile in order to ensure the health and safety of those patients who received their products.

However, in 2012, it became known that the NECC failed to uphold its responsibilities and instead manufactured and sold non-sterile MPA which had become contaminated with an angiophilic fungus. It was determined that the NECC sold 17,600 vials of contaminated MPA vials infected with this fungus, which were shipped to 23 different states. Specifically, these vials were taken from three contaminated lots of MPA – May 21, 2012, June 29, 2012, and August 10, 2012.

In September 2013, the CDC and Food and Drug Administration (“FDA”) began investigating the outbreak of fungal meningitis that spread across the United States. These entities discovered that the meningitis-inflicted patients had all received injections of contaminated preservative-free MPA manufactured and sold by the NECC. As a result of its extensive investigation, the government entities uncovered a total of 753 cases of fungal meningitis from 20 different states, 64 of which resulted in death. The CDC and FDA estimated that at least 14,000 patients received contaminated MPA injections.¹

During the initial stages of the outbreak investigation, the State of Massachusetts ordered the NECC to recall all MPA vials distributed from the three lots of MPA deemed to be associated with the outbreak. The NECC notified pain clinics around the country, including

¹ The State of Rhode Island had three confirmed illnesses resulting from an NECC related MPA injection; one patient suffering from meningitis only, the second patient suffered from meningitis with a paraspinal or spinal infection, and the third patient suffered from a peripheral joint infection with no meningitis.

Defendant Ocean State, of the voluntary recall on September 26, 2012. However, when these clinicians asked the NECC if patients were at risk, the NECC represented “no,” despite having full knowledge of the meningitis outbreak. It was not until days later that the NECC informed its customers that the vials were contaminated with a fungal pathogen and could cause patients to develop fungal meningitis.

During the investigation of the NECC, government entities uncovered tremendous health and safety violations which ultimately caused the MPA to become contaminated. Additionally, it was discovered that the NECC took excessive risk with patient’s welfare when it made the decision to put profit over product quality.

Firstly, the NECC failed to execute proper sterile technique when compounding its product. It failed to follow its own in-house sterile procedure as well as federal regulations detailing proper compounding protocol set forth by the USP-797. These procedural policies were put in place to ensure that the product was made in a sterile manner to prevent the product from becoming exposed to contamination like bacteria and fungus. However, documented evidence revealed that not only was the NECC ignoring these rules, but its leaders, Barry Cadden and Glen Chin, were instructing the NECC staff to cut corners in order to generate more product in a shorter amount of time and generate more revenue. Furthermore, the NECC leaders instructed their sales representatives to lie to customers about the manner in which it created and tested its products for sterility prior to shipment and further circumvent state regulatory oversight.

One such example was the improper use of the autoclave machine. An autoclave is an oven-like device which heats its content to a specific temperature and kills any bacteria or other foreign contaminants in or on the items within the autoclave. According to the manual and

federal regulations, the autoclave must be run for a certain length of time at a certain temperature to ensure all bacteria and fungus is killed. Despite having written protocols that dictated the mandatory time needed to ensure sterility, the NECC instructed its staff to run the autoclave at a significantly shorter time period than recommended in order to generate more product in a shorter amount of time. As a result, the items placed in the autoclave, including tools, ingredients, and compounded medications (included MPA), never reached sterility.

The evidence also showed that the NECC failed to ensure that the MPA sold to its customers was sterile before shipment. Federal regulations required the NECC to test its batches of MPA for sterility before it was sent to clinicians for patient use. The NECC used Analytical Research Laboratories (ARL) to conduct its product sterility testing. However, the evidence revealed that not only was the NECC sending insufficient samples to ARL for testing, but the NECC also shipped product to its clients before ARL completed its analysis. Furthermore, the NECC made false statements to their customer-physicians about its sterility testing protocols and results. In sum, the NECC violated regulations set in place to ensure their product was safe for human use in order to generate more profit.

In addition to its reckless disregard for sterility protocol, the NECC failed to maintain a sterile compounding environment. It was discovered that the NECC staff neglected to perform routine cleanings of the clean room and failed to perform adequate environmental sterility checks. As a result, the clean room (which is intended to be completely sterile) became contaminated with bacteria, fungus, dust, and insects. The staff was instructed to falsify cleaning room logs to make it appear as if they had conducted the mandatory cleanings in anticipation of a State Board inspection. Furthermore, the NECC leaders were aware of the clean room's condition yet chose to take no corrective action.

Documented evidence revealed that NECC leaders were aware of a “fungal bloom” in the clean room in June 2012, the same month that a lot of contaminated MPA was made and sold. These individuals were also aware of the inadequate cleanings performed by UniClean, an outside company that was hired to perform routine cleanings of the facility. Mr. Cadden was aware of UniClean’s improper use of non-anti-fungal cleaning agents and UniClean employees entering the clean room improperly garbed. Nevertheless, Mr. Cadden elected to take no action.

The NECC concealed its misconduct by manipulating its compounding and shipping sheets provided to its customers, by altering expiration dates on the individual vials of medication, and lying to customers about its licensing status. The NECC represented that they were a pharmacy but acted like a drug manufacturer in order to avoid federal oversight. In doing so, the NECC has able to hide its misconduct from the proper oversight agencies and was permitted to engage in fraudulent compounding and sale of unsterile and unsafe medication.

Since the 2012 outbreak, numerous employees of the NECC have faced felony indictment, including counts of racketeering, conspiracy, mail fraud, introduction of adulterated drugs into interstate commerce with the intent to defraud and mislead, introduction of misbranded drugs into interstate commerce with the intent to defraud and mislead, aiding and abetting, as well as criminal contempt. Some have also been charged with criminal homicide.

The first to be tried was Barry Cadden. He was initially brought up on 97 felony charges. In January 2017, the United States Attorney’s office tried Mr. Cadden in a rigorous three-month trial. A jury rendered a verdict against Mr. Cadden, finding him guilty of multiple counts of fraud and racketeering. Mr. Cadden was sentenced in June 2017 and scheduled to present to prison in August 2017.

The U.S. Attorney’s Office intends to also prosecute Pharmacist, Glen Chin in September

2017 in addition to several other NECC employees sometime in 2018.

III. PROCEDURAL BACKGROUND CONCERNING THE CIVIL AND CRIMINAL MATTERS BROUGHT AGAINST THE NEW ENGLAND COMPOUNDING COMPANY PENDING IN THE MASSACHUSETTS FEDERAL DISTRICT COURT

In addition to the criminal cases discussed above, the NECC has been named in numerous civil litigations. Due to the volume of cases brought against the NECC, the Judicial Panel on Multi-District Litigation (“MDL”) seated in Massachusetts Federal District Court issued an order, pursuant to 28 USC § 1407, transferring the various the NECC-related proceedings throughout the country to the United States District Court of Massachusetts for coordinated Pre-Trial Proceedings. In Re: New England Compounding Pharmacy, Inc., Products Liab. Litig., 924 F. Supp. 2d 1380, 1381 (Multidistrict Lit. 2013). Although the case at bar is not, and has never been, involved in the MDL litigation, the Defendants have learned of certain common discovery elements through the publicly accessible court docket.

On December 21, 2012, the NECC filed a petition for bankruptcy protection under Chapter 11 of the bankruptcy code. In re: New England Compounding Pharmacy, Inc., Debtor, United States Bankr. Court for the District of Massachusetts, 496 B.R. 256, 260 (D. Mass. 2013). The United States Trustee was subsequently appointed to administer the bankruptcy estate. Id. The NECC, as well as numerous third-party defendants – including the NECC’s insurers, the NECC’s sterility company hired to maintain the compounding facilities, and several defendant clinics – have agreed to a settlement of over \$150 million.

Regarding the Rhode Island Plaintiffs in the present case, both Mr. and Mrs. Schmiedeknecht filed claims in the NECC Bankruptcy matter, In re: New England Compounding Pharmacy Inc. No. 12-19882-HJB. Mrs. Schmiedeknecht’s claim has been approved by the NECC National Compensation Program. See Exhibit A: Plaintiff’s Response

to Defendants' Requests for Admissions. The Committee awarded her an expected settlement. Id. However, Mrs. Schmiedeknecht has since filed an appeal with the Committee, seeking a second review of her claims to ultimately obtain additional damages. Id.

The Defendants have come to learn that several witnesses involved in the outbreak and investigation have been deposed in the MDL, thus providing insight into the NECC's gross negligence and misconduct resulting in the outbreak. Many of those individuals initially testified before the grand jury in exchange for immunity from prosecution. As a result, those individuals refused to testify during the civil depositions. However, many others were willing to provide testimony.

In early 2015, clinical defendants in the MDL attempted to depose numerous entities and individuals involved in the NECC meningitis outbreak, including the FDA, NECC criminal defendants and unindicted former employees of the NECC as well as its affiliated companies. Previously, the MDL Court ruled that the FDA deposition and criminal defendants' depositions would be stayed "until the resolution of the criminal cases." The court, however, allowed the MDL civil litigants to depose the unindicted former employees of the NECC and other related affiliates. Additionally, the MDL court issued an order concerning these depositions, limiting the civil MDL defendants *one chance* to depose the witnesses so as to prevent the witnesses from testifying to the same topics in multiple cases.

The present Rhode Island case *was never part of the MDL* and, therefore, the parties were denied the opportunity to appear at these MDL depositions.

IV. DISCOVERY BACKGROUND OF THE PRESENT RHODE ISLAND STATE CASE

In January 2017, the Rhode Island Defendants learned of a number of individuals who testified at the public trial of Barry Cadden, former lead pharmacist and owner of the NECC. It

was only during this three-month trial that the Defendants became aware of the content of the testimony provided by these key players in the outbreak and subsequent investigation.

Additionally, those witnesses who previously invoked their Fifth Amendment Privileges or Grand Jury Immunity at their MDL depositions provided detailed testimony during the public trial.

As a result, on March 13, 2017, the Defendants served Supplemental Answers to Interrogatories, identifying a number of potential witnesses to be called in the Defendants' Rhode Island state case. See **Exhibit B: Defendants' Third and Fourth Supplemental Answers to Interrogatories**. These witnesses included former NECC employees, NECC criminal defendants, NECC affiliated entities, and members of the team who were involved in the fungal meningitis outbreak investigation. *Id.*

The parties then met with Judge Vogel on April 21, 2017 for a medical malpractice scheduling conference. At that time, Defense Counsel addressed the need to take an additional twenty-six depositions of the NECC related witnesses who are expected to provide critical information integral to the element of causation in this case. Judge Vogel ordered that the Defendants expeditiously commence the deposition noticing process or else waive their right to do so. See **Exhibit C: Providence Superior Court April 21, 2017 Scheduling Order**. On April 28, 2017, Defense Counsel provided Plaintiff's Counsel with both a letter limiting the number of deponents and Supplemental Discovery Responses identifying these individuals and their last known addresses. See **Exhibit D: Letter to Plaintiff's Counsel Regarding Pending Out-of-State Depositions** and **Exhibit E: Defendants' Fourth and Fifth Supplemental Answers to Interrogatories**.

Additionally, Defense Counsel mailed letters to attorneys known to represent the

intended twenty-six deponents on or about May 3, 2017. See **Exhibit F: Defense Counsel's Correspondence with Known Deponents' Counsel**. In response, Defense Counsel received numerous letters and phone calls from these attorneys representing the deponents. These attorneys represented that they intended to move to quash the subpoenas² (should they be issued) and that their clients would invoke their Fifth Amendment privileges in light of the pending criminal investigation and trial. Id.

Nevertheless, in compliance with the April 2017 Scheduling Order, Defense Counsel submitted twenty-five Motions for the Issuance of Commissions to take out-of-state depositions in Massachusetts, Oklahoma, Maryland, New Jersey, and New York on May 9th and May 19th. See **Exhibit G: Defendants' Motions for the Issuance of Commissions heard before Judge Keough in Providence Superior Court**. Defense Counsel also issued a subpoena and Notice of Deposition to the single Rhode Island resident on May 19th. See **Exhibit H: Subpoena and Deposition Notice of John Notarianni**.

Unbeknownst to Defense Counsel (as no such objection was raised during the scheduling conference with Judge Vogel in April 2017), Plaintiff's Counsel filed objections to all of the Defendants' Motions for Commissions in addition to a Motion for a Protective Order to prevent the single in-state deposition. See **Exhibit I: Plaintiff's Objection to Defendants' Motions for the Issuance of Commissions to Take Out-of-State Depositions** and **Exhibit J: Plaintiff's Motion for Protective Order Against the Deposition of John Notarianni and Defendants' Objection**.

On May 25, 2017, the parties presented before Judge Keough in Providence Superior Court for a hearing on these matters. Judge Keough, however, continued the hearing and

² Attorney for Barry Cadden filed a Motion to Quash his client's deposition in the Massachusetts Suffolk Superior Court. His motion was granted on July 21, 2017.

requested additional information concerning each of the intended depositions and their expected content before ruling on the Defendants' motions.

In compliance, Defense Counsel provided a detailed Memorandum of Law discussing the intended testimony for each deponent and the relevancy of each deposition. See Exhibit K: Memorandum of Law in Support of Defendants' Motions for Issuance of Commissions to Take Out-of-State Depositions. Following a second hearing on June 9, 2017, Judge Keough granted the Defendants' Motions for the Issuance of Commissions for the various out-of-state deponents. See Exhibit L: Order Granting Defendants' Motions for the Issuance of Commissions to Take Out-of-State Depositions with Signed Commissions.

At the time of the May 25th and June 9th hearings, the Defense Counsel made Judge Keough aware of the rapidly approaching discovery deadline and the need for expeditious issuing of the subpoenas so as to remain compliant with the April 2017 Scheduling Order. Judge Keough acknowledged that there would be a delay in issuing the out-of-state subpoenas because of the hearing's continuance and the Judge's request for additional information. Judge Keough recommended filing a motion to extend the scheduling order in light of this delay.

On June 21, 2017, Defense Counsel sought permission from the appropriate Massachusetts Superior State Courts to take the depositions of the various Massachusetts residents. Each application was filed in the court holding personal jurisdiction over the deponents in accordance with their last known addresses. See Exhibit M: Correspondence to Massachusetts Superior Courts Regarding Applications to Take Depositions in Out-of-State Matter.³

On June 28, 2017, the Massachusetts Suffolk Superior Court heard and granted the

³ The matter pending before the Worcester Superior Court remains pending as of the date of this motion.

Defendants' Motions to take the depositions of Barry Cadden, Sara Albert, William Frisch, and Samuel Penta. See Exhibit N: Order Granting Application from Suffolk Superior Court.

The subpoenas were subsequently served on or about June 30, 2017. See Exhibit O: Subpoenas and Deposition Notices Served Upon Mr. Cadden, Ms. Albert, Mr. Frisch, and Mr. Penta.

On June 30, 2017, the Massachusetts Middlesex Superior Court granted the Defendants' Applications to take the deposition of Kenneth Boneau, Beth Reynolds, Annette Robinson, Nicholas Booth, Derek Carvalho, Owen Finnigan, Frank Lombardo, UniFirst a/d/b/a UniClean, Edwin Cardona, Suneela Mistry, Edgard Camacho, and the FDA. See Exhibit P: Order Granting Application from Middlesex Superior Court. The subpoenas were subsequently served upon receipt of the signed orders on or about July 18, 2017. See Exhibit Q: Subpoenas and Deposition Notices Served Upon Mr. Boneau, Ms. Reynolds, Ms. Robinson, Mr. Booth, Mr. Carvalho, Mr. Finnigan, Mr. Lombardo, UniFirst a/d/b/a UniClean, Mr. Cardona, Ms. Mistry, Mr. Camacho, and the FDA.

On July 7, 2017, the Massachusetts Bristol Superior Court granted the Defendants' Applications to take the deposition of Joseph Connelly. See Exhibit R: Order Granting Application from Bristol Superior Court and Deposition Notice. In light of the following, the subpoena was not served.

On or about July 27, 2017, the U.S. Attorney's Office in Boston, MA contacted Defense Counsel regarding the subpoena and pending deposition of Annette Robinson. The U.S. Attorney was and continues to be directly involved in the criminal trial of the NECC former employees. The U.S. Attorney represented a concern that the Defendants' pursuit of these depositions was in violation of the MDL Judge's July 5th Order. See Exhibit S: Order Issued by the Multi-District Litigation Judge on July 5, 2017 in Massachusetts Federal District

Court. This Order placed a stay on any MDL civil litigant to take the deposition of those individuals involved in the NECC criminal matter, including the FDA, Joe Connolly, John Notarianni, Rob Ronzio, and Barry Cadden. The U.S. Attorney represented that this order precluded any and all civil litigants to take the depositions of witnesses to be called in the criminal proceedings until the conclusion of the criminal matters.

In light of this communication, Defense Counsel elected to withdraw their subpoenas and now seek further clarification from the MDL Judge.

V. ARGUMENTS IN SUPPORT OF THE DEFENDANTS' MOTION TO EXTEND THE DISCOVERY DEADLINE AND AMEND THE CURRENT SCHEDULING ORDER

The Defendants acknowledge the age of the present lawsuit and are respectful of this Court's need and desire to litigate this matter efficiently. The Defendants have complied with this Court's previous discovery and scheduling orders and have worked diligently to take the depositions of out-of-state witnesses before the passing of the August 31st discovery deadline. However, the Defendants implore this Honorable Court to understand and recognize the uniqueness of the matter at hand as well as the consequences and the likelihood of prejudice faced by the Defendants should this Court preclude the pending depositions to take place before a trial date is set.

The direct involvement of the NECC in the present matter is one not to be unheeded. It is widely accepted and acknowledged that the NECC caused a nationwide fungal meningitis outbreak, resulting in the deaths of dozens of patients. The Plaintiff, Mrs. Schmiedeknecht, fell victim to this outbreak and was treated for her illness in connection to receiving an injection of the NECC's contaminated MPA.

It is the position of the Defendants that the NECC's conduct resulting in the fungal meningitis outbreak is essential to the element of causation in this Rhode Island state matter,

particularly concerning the Defendants' alleged knowledge of the NECC's conduct. These pending out-of-state depositions are intended to expose evidence supporting this position.

But for the following acts committed by the NECC, the Defendants would never have purchased MPA from the NECC nor would the Plaintiff have contracted fungal meningitis following her September 2012 injections:

- (1) the NECC's failure to comply with both federal and state regulations regarding high-risk and sterile compounding;
- (2) the NECC's willful misrepresentation made to its customers, including Ocean State, that it was in compliance with both federal and state regulations regarding high-risk and sterile compounding;
- (3) the NECC's failure to ensure that its MPA was free from pathogen contamination before releasing the MPA for human use;
- (4) the NECC's willful misrepresentation made to its customers, including Ocean State, that its MPA was tested for pathogen contamination before releasing the product for human use;
- (5) the NECC's failure to maintain a sterile facility and prevent its products from becoming exposed to foreign pathogens;
- (6) the NECC's willful misrepresentation made to its customers, including Ocean State, that it maintained a sterile facility and followed procedure to ensure its products were free of foreign pathogens; and
- (7) the NECC's willful and intentional engagement in fraudulent sales practices thus knowingly deceiving its customers, including Ocean State, as to the NECC's licensing status, compliance with safety regulations, and sale of safe for-human-use medications.

It is imperative that the Defendants be provided the opportunity to gather and analyze this evidence demonstrating the NECC's reckless and illegal conduct and, more importantly, how that conduct directly resulted in the Plaintiff's injuries at issue in this case.

Furthermore, the Defendants must be allowed the opportunity to gather evidence showing the lack of supervision over the NECC from relevant government regulating entities, including the FDA and Massachusetts Board of Pharmacy. It is the Defendants' position that had these entities imposed appropriate oversight over the NECC, the MPA in question would never have become contaminated and/or the NECC would never have been permitted to sell products in

violation of the applicable state and federal pharmacy regulations.

Despite the Plaintiff's Counsel assertions, these pending out-of-state depositions are relevant to the case at bar. The finder of fact must be provided the opportunity to analyze the NECC's conduct as a potential superseding intervening cause to the Plaintiff's injuries as well as the NECC's blatant comparative fault. Furthermore, the finder of fact must be provided the opportunity to review evidence of the NECC's scheme to defraud Ocean State, who innocently and unknowingly relied on false representations made by the NECC concerning the sterility of its product and its compliance with mandatory regulating bodies.

VI. CONCLUSION

WHEREFORE, the Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, P.C., humbly request that this Honorable Court grant this Motion to extend the discovery deadline in light of the Massachusetts Federal District Court's Order issued on July 7, 2017 which stays any civil depositions of the NECC related witnesses until the conclusion of the criminal matter. In the alternative, the Defendants request this Honorable Court preserve their rights to take these out-of-state depositions once deemed permissible and use the testimonial evidence at trial.

Respectfully submitted,
By attorney for Ocean State Pain
Management, P.C. and Abdul Barakat, M.D.,

/s/ Alysson M. Gray
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CERTIFICATE OF SERVICE

I, Alysson M. Gray, attorney for said defendants, hereby make oath that I have this day served a copy of the attached:

MEMORANDUM IN SUPPORT OF MOTION OF THE DEFENDANTS, ABDUL BARAKAT, M.D. AND OCEAN STATE PAIN MANAGEMENT, P.C., TO EXTEND THE DISCOVERY DEADLINE AND SCHEDULING ORDER

upon all parties, through the e-filing system directed to:

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Signed under the pains and penalties of perjury.

DATED: August ____, 2017

/s/ Alysson M. Gray

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Exhibit A:
Plaintiff's Responses to Defendants' Requests for
Admissions

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

PATRICIA SCHMIEDEKNECHT and
WAYNE SCHMIEDEKNECHT, SR.,
Individually and as p.p.a. GRACE E.
SCHMIEDEKNECHT, a minor and
ALLISON K. NEWCUM

v.

C.A. No. PC 2013-3207

REX APPENFEILER, M.D.;
ABDUL R. BARAKAT, M.D.;
OCEAN STATE PAIN MANAGEMENT, PC;
ANCHOR MEDICAL ASSOCIATES;
JOHN and/or JANE DOE, M.D. Alias;
JOHN and/or JANE DOE, R.N., Alias; and
JOHN DOE CORPORATION, Alias

**PLAINTIFF PATRICIA SCHMIEDEKNECHT'S RESPONSE TO REQUEST
FOR ADMISSIONS FROM DEFENDANTS ABDUL R. BARAKAT M.D.
AND OCEAN STATE PAIN MANAGEMENT, P.C.**

REQUEST

1. Admit that the Plaintiff, Patricia Schmiedeknecht, filed a claim in the United States Bankruptcy Court case, *In Re: New England Compounding Pharmacy Inc. CA: 12-19882-HJB*.

RESPONSE

1. Admit.

REQUEST

2. Admit that the Plaintiff, Patricia Schmiedeknecht, filed a claim in the United States Bankruptcy Court case, *In Re: New England Compounding Pharmacy Inc. CA: 12-19882-HJB*, because she underwent a procedure during which she was provided with a steroid injection of Methylprednisolone acetate ("MPA").

RESPONSE

2. Admit.

REQUEST

3. Admit that the Plaintiff, Patricia Schmiedeknecht, filed a claim in the United States Bankruptcy Court case, *In Re: New England Compounding Pharmacy Inc.* CA: 12-19882-HJB, because she underwent a procedure during which she was provided with a steroid injection of MPA sold and manufactured by the New England Compounding Company ("N.E.C.C").

RESPONSE

3. I admit that I believe the underlying facts to be true; however, I am not an expert and do not have personal knowledge of the chain of custody of the steroid injection at issue.

REQUEST

4. Admit that the Plaintiff, Patricia Schmiedeknecht, filed a claim in the United States Bankruptcy Court case, *In Re: New England Compounding Pharmacy Inc.* CA: 12-19882-HJB, because she developed fungal meningitis after receiving a steroid injection of MPA.

RESPONSE

4. Admit.

REQUEST

5. Admit that the Plaintiff, Patricia Schmiedeknecht, filed a claim in the United States Bankruptcy Court case, *In Re: New England Compounding Pharmacy Inc.* CA: 12-19882-HJB, because she developed fungal meningitis after receiving a steroid injection of MPA sold and manufactured by the N.E.C.C.

RESPONSE

5. I admit that I believe the underlying facts to be true; however, I am not an expert and do not have personal knowledge of the chain of custody of the steroid injection at issue.

REQUEST

6. Admit that the Plaintiff, Patricia Schmiedeknecht, filed a claim in the United States Bankruptcy Court case, *In Re: New England Compounding Pharmacy Inc.* CA: 12-19882-HJB, because she believes that she contracted fungal meningitis from the MPA steroid injection.

RESPONSE

6. Admit.

REQUEST

7. Admit that the Plaintiff, Patricia Schmiedeknecht, filed a claim in the United States Bankruptcy Court case, *In Re: New England Compounding Pharmacy Inc.* CA:12-19882-HJB, because she believes that she contracted fungal meningitis from the MPA steroid injection manufactured and sold by the N.E.C.C.

RESPONSE

7. Admit.

REQUEST

8. Admit that the Plaintiff, Patricia Schmiedeknecht, filed a claim in the United States Bankruptcy Court case, *In Re: New England Compounding Pharmacy Inc.* CA: 12-19882-HJB, because she believes that the N.E.C.C. is responsible for the development of her fungal meningitis.

RESPONSE

8. I admit that I believe the N.E.C.C. is one of the responsible parties for my fungal meningitis.

REQUEST

9. Admit that the Plaintiff, Patricia Schmiedeknecht, filed a claim in the United States Bankruptcy Court case, *In Re: New England Compounding Pharmacy Inc.* CA: 12-19882-HJB, because she believes that the N.E.C.C. is responsible for the development of her fungal meningitis and related injuries.

RESPONSE

9. I admit that I believe that N.E.C.C. is one of the parties responsible for the development of my fungal meningitis and related injuries.

REQUEST

10. Admit that the Plaintiff, Patricia Schmiedeknecht, received a notice from the N.E.C.C. National Compensation Program on March 18, 2016.

RESPONSE

10. I admit to receiving a notice from the N.E.C.C. National Compensation Program ~~dated~~ March 18, 2016.

REQUEST

11. Admit that the Plaintiff, Patricia Schmiedeknecht, received a notice from N.E.C.C. National Compensation Program indicating that her claim had received partial approval.

RESPONSE

11. Admit.

REQUEST

12. Admit that the Plaintiff, Patricia Schmiedeknecht, received a notice from the N.E.C.C. National Compensation Program indicating that her claim had received partial approval and provisional partial denial.

RESPONSE

12. Admit.

REQUEST

13. Admit that the Plaintiff, Patricia Schmiedeknecht, received notice from the N.E.C.C. National Compensation Program that her claim against the N.E.C.C. received a Category II assignment.

RESPONSE

13. Admit.

REQUEST

14. Admit that the Plaintiff, Patricia Schmiedeknecht, received notice from the N.E.C.C. National Compensation Program that her claim against the N.E.C.C. was awarded a total point value of 56.00 out of 160 total possible points.

RESPONSE

14. Admit.

REQUEST

15. Admit that the Plaintiff, Patricia Schmiedeknecht, received notice from the N.E.C.C. National Compensation Program that her claim against the N.E.C.C. was awarded an initial settlement amount of \$72,755.76.

RESPONSE

15. Admit.

REQUEST

16. Admit that the Plaintiff, Patricia Schmiedeknecht, received notice from the N.E.C.C. National Compensation Program that it concluded that the plaintiff failed to show supporting documentation sufficient to allow the Program to award points for the following Upward Adjustments: Anti-fungal complications, lengthy hospitalization; and Arachnoiditis.

RESPONSE

16. Denied. It is my understanding that points were awarded for lengthy hospitalization.

REQUEST

17. Admit that the Plaintiff, Patricia Schmiedeknecht, sent a request on June 2, 2016 to the N.E.C.C. National Compensation Program seeking a re-review of her claims.

RESPONSE

17. Admit.

REQUEST

18. Admit that the Plaintiff, Patricia Schmiedeknecht, sent a request to the N.E.C.C. National Compensation Program seeking a re-review of her claims, arguing that an additional 20 points should be awarded to her claim.

RESPONSE

18. Admit.

REQUEST

19. Admit that the Plaintiff, Patricia Schmiedeknecht, believes that if her re-review sent to the N.E.C.C. National Compensation Program is approved, she expects to receive an increased settlement amount.

RESPONSE

19. Admit.

REQUEST

20. Admit that the Plaintiff, Patricia Schmiedeknecht, received a telephone call from Ocean State Pain Management in October 2012 that informed her that she may have been exposed to a contaminated steroid.

RESPONSE

20. Admit to the extent that I received a message from Ocean State Pain Management that asked me to call the office; I cannot admit or deny that this was in October 2012.

REQUEST

21. Admit that the Plaintiff, Patricia Schmiedeknecht, received a letter from Ocean State Pain Management in October of 2012 that provided her with information on what to do if she experienced symptoms commonly associated with meningitis.

RESPONSE

21. Admit.

REQUEST

22. Admit that the Plaintiff, Patricia Schmiedeknecht, was never diagnosed by a licensed medical professional as having developed an ulcer subsequent to the development of fungal meningitis.

RESPONSE

22. Admit.

REQUEST

23. Admit that the Plaintiff, Patricia Schmiedeknecht, was never instructed by a licensed medical professional to refrain from, limit, or avoid sexual intercourse following the completion of her fungal meningitis treatment.

RESPONSE

23. Admit.

REQUEST

24. Admit that the Plaintiff, Patricia Schmiedeknecht, separated from her husband, Wayne Schmiedeknecht, for roughly three weeks after Mrs. Schmiedeknecht was treated for fungal meningitis.

RESPONSE

24. Admit that I separated from my husband after I was treated for fungal meningitis; I deny that it was three weeks.

REQUEST

25. Admit that the Plaintiff, Patricia Schmiedeknecht, suffered from anxiety prior to her development of fungal meningitis.

RESPONSE

25. I admit to having experiencing anxiety prior to the development of fungal meningitis.

REQUEST

26. Admit that the Plaintiff, Patricia Schmiedeknecht, suffered from depression prior to her development of fungal meningitis.

RESPONSE

26. I admit to having being depressed prior to the development of fungal meningitis.

REQUEST

27. Admit that the Plaintiff, Patricia Schmiedeknecht, suffered from back pain prior to her development of fungal meningitis.

RESPONSE

27. Admit.

REQUEST

28. Admit that the Plaintiff, Patricia Schmiedeknecht, never personally purchased MPA steroid injections.

RESPONSE

28. Admit.

REQUEST

29. Admit that no family member, friend, representative, employee, or agent of the Plaintiff, Patricia Schmiedeknecht, personally purchased MPA injections on behalf of Mrs. Schmiedeknecht.

OBJECTION

29. Objection. This request calls for legal conclusions and opinions as to the interpretation of "representative, employee, or agent."

RESPONSE

29. Without waiver of and subject to objection, and answering as a layperson, I personally did not purchase MPA injections.

REQUEST

30. Admit that the Plaintiff, Patricia Schmiedeknecht, was never given a written prescription by a health care provider of Ocean State Pain Management for MPA injections to be picked up at a pharmacy for home use.

RESPONSE

30. Admit.

REQUEST

31. Admit that the Plaintiff, Patricia Schmiedeknecht, visited Ocean State Pain Management for treatment of her back pain.

RESPONSE

31. Admit.

REQUEST

32. Admit that the Plaintiff, Patricia Schmiedeknecht, received medical services provided by the licensed medical providers at Ocean State Pain Management for the treatment of her back pain, including but not limited to medical evaluation and MRI referral.

RESPONSE

32. Admit.

REQUEST

33. Admit that the Plaintiff, Patricia Schmiedeknecht, never purchased MPA injections from Ocean State Pain Management.

OBJECTION

33. Objection. To the extent that Patricia Schmiedeknecht had MPA injections at Ocean State Pain Management, the cost of these injections were paid by health insurance and may be deemed a purchase.

RESPONSE

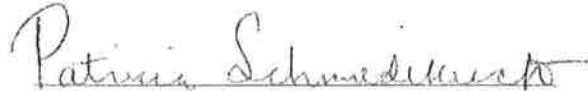
33. Notwithstanding this objection, I did not purchase injections outside of the health insurance's payment for medical services.

REQUEST

34. Admit that the Plaintiff, Patricia Schmiedeknecht, never purchased MPA injections from Ocean State Pain Management to be self-administered.


RESPONSE

34. Admit.


Patricia Schmiedeknecht

Subscribed and sworn to before me on this 1st day of September 2016.


NOTARY PUBLIC


Print Notary Name
My commission expires: 2/16/2020

WENDI VENDITTI
NOTARY PUBLIC
State of Rhode Island
My Commission Expires
February 16, 2020

As to objections,
Plaintiffs, by her attorneys,

/s/ Christopher Hultquist

Amato A. DeLuca (#0531)

Miriam Weizenbaum (#5182)

Christopher Hultquist (#5264)

DELUCA & WEIZENBAUM, LTD.

199 North Main Street

Providence, RI 02903

(401) 453-1500 / (401) 453-1501 Fax

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

PATRICIA SCHMIEDEKNECHT and
WAYNE SCHMIEDEKNECHT, SR.,
Individually and as p.p.a. GRACE E.
SCHMIEDEKNECHT, a minor and
ALLISON K. NEWCUM

v.

C.A. No. PC 2013-3207

REX APPENFELLER, M.D.;
ABDUL R. BARAKAT, M.D.;
OCEAN STATE PAIN MANAGEMENT, PC;
ANCHOR MEDICAL ASSOCIATES;
JOHN and/or JANE DOE, M.D. Alias;
JOHN and/or JANE DOE, R.N., Alias; and
JOHN DOE CORPORATION, AliasCERTIFICATIONI hereby certify that on the 1st day of September 2016 I served the following document:*Plaintiff Patricia Schmiedeknecht's Response to Request for Admissions from Defendants
Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C.*

through the Rhode Island Judiciary Electronic Filing System on the following parties:

Sean E. Capplis, Esq.
Capplis, Connors & Carroll, PC
18 Tremont Street, Suite 330
Boston, MA 02108
*Attorneys for Barakat and Ocean State Pain*Francis A. Connor, III, Esq.
Mark R. Fleury, Esq.
Barton & Gilman, LLP
10 Dorrance Street, Suite 700
Providence, RI 02903
Attorney for Anchor Medical and Appenfeller/s/ Wendi Venditti

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

PATRICIA SCHMIEDEKNECHT and
WAYNE SCHMIEDEKNECHT, SR.,
Individually and as p.p.a. GRACE E.
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v.

C.A. No. PC 2013-3207

REX APPENFELLER, M.D.;
ABDUL R. BARAKAT, M.D.;
OCEAN STATE PAIN MANAGEMENT, PC;
ANCHOR MEDICAL ASSOCIATES;
JOHN and/or JANE DOE, M.D. Alias;
JOHN and/or JANE DOE, R.N., Alias; and
JOHN DOE CORPORATION, Alias

**PLAINTIFF WAYNE SCHMIEDEKNECHT'S RESPONSE TO REQUEST
FOR ADMISSIONS FROM DEFENDANTS ABDUL R. BARAKAT M.D.
AND OCEAN STATE PAIN MANAGEMENT, P.C.**

REQUEST

1. Admit that the Plaintiff, Wayne Schmiedeknecht, filed a claim in the United States Bankruptcy Court case, *In Re: New England Compounding Pharmacy Inc.* CA: 12-19882-HJB.

RESPONSE

1. Admit.

REQUEST

2. Admit that the Plaintiff, Wayne Schmiedeknecht, filed a claim in the United States Bankruptcy Court case, *In Re: New England Compounding Pharmacy Inc.* CA: 12-19882-HJB, because his wife, Patricia Schmiedeknecht, underwent a procedure during which she was provided with a steroid injection of Methylprednisolone acetate ("MPA").

RESPONSE

2. Admit.

REQUEST

3. Admit that the Plaintiff, Wayne Schmiedeknecht, filed a claim in the United States Bankruptcy Court case, *In Re: New England Compounding Pharmacy Inc.* CA: 12-19882-HJB, because his wife, Patricia Schmiedeknecht, underwent a procedure during which she was provided with a steroid injection of MPA sold and manufactured by the New England Compounding Company ("N.E.C.C.").

RESPONSE

3. I admit that I believe the underlying facts to be true; however, I am not an expert and do not have personal knowledge of the chain of custody of the steroid injection at issue.

REQUEST

4. Admit that the Plaintiff, Wayne Schmiedeknecht, filed a claim in the United States Bankruptcy Court case, *In Re: New England Compounding Pharmacy Inc.* CA: 12-19882-HJB, because his wife, Patricia Schmiedeknecht, developed fungal meningitis after receiving a steroid injection of MPA.

RESPONSE

4. Admit.

REQUEST

5. Admit that the Plaintiff, Wayne Schmiedeknecht, filed a claim in the United States Bankruptcy Court case, *In Re: New England Compounding Pharmacy Inc.* CA: 12-19882-HJB, because his wife, Patricia Schmiedeknecht, developed fungal meningitis after receiving a steroid injection of MPA sold and manufactured by the N.E.C.C.

RESPONSE

5. I admit that I believe the underlying facts to be true; however, I am not an expert and do not have personal knowledge of the chain of custody of the steroid injection at issue.

REQUEST

6. Admit that the Plaintiff, Wayne Schmiedeknecht, filed a claim in the United States Bankruptcy Court case, *In Re: New England Compounding Pharmacy Inc.* CA: 12-19882-HJB, because he believes that his wife, Patricia Schmiedeknecht, contracted fungal meningitis from the MPA steroid injection.

RESPONSE

6. Admit.

REQUEST

7. Admit that the Plaintiff, Wayne Schmiedeknecht, filed a claim in the United States Bankruptcy Court case, *In Re: New England Compounding Pharmacy Inc.* CA: 12-9882-HJB, because he believes that his wife, Patricia Schmiedeknecht, contracted fungal meningitis from the MPA steroid injection manufactured and sold by the N.E.C.C.

RESPONSE

7. Admit.

REQUEST

8. Admit that the Plaintiff, Wayne Schmiedeknecht, filed a claim in the United States Bankruptcy Court case, *In Re: New England Compounding Pharmacy Inc.* CA: 12-19882-HJB, because he believes that the N.E.C.C. is responsible for the development of his wife's fungal meningitis.

RESPONSE

8. I admit that I believe the N.E.C.C. is one of the responsible parties for my wife's fungal meningitis.

REQUEST

9. Admit that the Plaintiff, Wayne Schmiedeknecht, filed a claim in the United States Bankruptcy Court case, *In Re: New England Compounding Pharmacy Inc.* CA: 12-19882-HJB, because he believes that the N.E.C.C. is responsible for the development of his wife's fungal meningitis and related injuries.

RESPONSE

9. I admit that I believe that N.E.C.C. is one of the parties responsible for the development of my wife's fungal meningitis and related injuries.

REQUEST

10. Admit that the Plaintiff, Wayne Schmiedeknecht, is aware that his wife, Patricia Schmiedeknecht, received a telephone call from Ocean State Pain Management in October 2012 that informed her that she may have been exposed to a contaminated steroid.

RESPONSE

10. I admit that my wife, Patricia Schmiedeknecht, received a telephone call from Ocean State Pain Management that informed her that she may have been exposed to a contaminated steroid; I cannot admit or deny that this was in October 2012.

REQUEST

11. Admit that the Plaintiff, Wayne Schmiedeknecht, is aware that his wife, Patricia Schmiedeknecht, received a letter from Ocean State Pain Management in October of 2012 that provided her with information on what to do if she experienced symptoms commonly associated with meningitis.

RESPONSE

11. I admit that my wife, Patricia Schmiedeknecht, received a letter from Ocean State Pain Management that provided her with information on what to do if she experienced symptoms commonly associated with meningitis; I cannot admit or deny that this was in October 2012.

REQUEST

12. Admit that the Plaintiff, Wayne Schmiedeknecht, is aware that his wife, Patricia Schmiedeknecht, was never instructed by a licensed medical professional to refrain from, limit, or avoid sexual intercourse following the completion of her fungal meningitis treatment.

RESPONSE

12. I admit that it is my belief no medical doctor instructed my wife to refrain from, limit, or avoid sexual intercourse following the completion of her fungal meningitis treatment.

REQUEST

13. Admit that the Plaintiff, Wayne Schmiedeknecht, separated from his wife, Patricia Schmiedeknecht, for roughly three weeks after Mrs. Schmiedeknecht was treated for fungal meningitis.

RESPONSE

13. I admit that I separated from my wife after she was treated for fungal meningitis. I believe that it was an eleven (11) day separation.

REQUEST

14. Admit that the Plaintiff, Wayne Schmiedeknecht, is aware that his wife, Patricia Schmiedeknecht, never personally purchased MPA steroid injections.

RESPONSE

14. Admit.

REQUEST

15. Admit that no family member, friend, representative, employee, or agent of the Plaintiff, Wayne Schmiedeknecht, personally purchased MPA injections on behalf of Patricia Schmiedeknecht.

OBJECTION

15. Objection. This request calls for legal conclusions and opinions as to the interpretation of "representative, employee, or agent."

RESPONSE

15. Notwithstanding the objection, I can admit that I am not aware of any family member purchasing MPA injections on behalf of my wife.

REQUEST

16. Admit that the Plaintiff, Wayne Schmiedeknecht, never personally purchased MPA injections on behalf of Patricia Schmiedeknecht.

RESPONSE

16. Admit.

REQUEST

17. Admit that the Plaintiff, Wayne Schmiedeknecht, is aware that his wife, Patricia Schmiedeknecht, visited Ocean State Pain Management for treatment of her back pain.

RESPONSE

17. Admit.

REQUEST

18. Admit that the Plaintiff, Wayne Schmiedeknecht, is aware that his wife, Patricia Schmiedeknecht, never purchased MPA injections from Ocean State Pain Management.

OBJECTION

18. Objection. To the extent that Patricia Schmiedeknecht had MPA injections at Ocean State Pain Management, the cost of these injections were paid by health insurance and may be deemed a purchase.

RESPONSE

18. Notwithstanding this objection, I am not aware of my wife purchasing injections outside of the health insurance's payment for medical services.

REQUEST

19. Admit that the Plaintiff, Wayne Schmiedeknecht, never witness *[sic]* his wife, Patricia Schmiedeknecht, self-administer an MPA injection.

RESPONSE

19. Admit.

REQUEST


20. Admit that the Plaintiff, Wayne Schmiedeknecht, never assisted his wife, Patricia Schmiedeknecht, self-administer an MPA injection.


RESPONSE

20. Admit.


Wayne Schmiedeknecht

Subscribed and sworn to before me on this 1st day of September 2016.


NOTARY PUBLIC


Print Notary Name
My commission expires: 2/16/2020

WENDI VENDITTI
NOTARY PUBLIC
State of Rhode Island
My Commission Expires
February 16, 2020

As to objections,
Plaintiffs, by his attorneys,

/s/ Christopher Hultquist
Amato A. DeLuca (#0531)
Miriam Weizenbaum (#5182)
Christopher Hultquist (#5264)
DELUCA & WEIZENBAUM, LTD.
199 North Main Street
Providence, RI 02903
(401) 453-1500 / (401) 453-1501 Fax

STATE OF RHODE ISLAND
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SUPERIOR COURT

PATRICIA SCHMIEDEKNECHT and
WAYNE SCHMIEDEKNECHT, SR.,
Individually and as p.p.a. GRACE E.
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REX APPENFELLER, M.D.;
ABDUL R. BARAKAT, M.D.;
OCEAN STATE PAIN MANAGEMENT, PC;
ANCHOR MEDICAL ASSOCIATES;
JOHN and/or JANE DOE, M.D. Alias;
JOHN and/or JANE DOE, R.N., Alias; and
JOHN DOE CORPORATION, Alias

CERTIFICATION

I hereby certify that on the 1st day of September 2016 I served the following document:

*Plaintiff Wayne Schmiedeknecht's Response to Request for Admissions from Defendants
Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C.*

through the Rhode Island Judiciary Electronic Filing System on the following parties:

Sean E. Capplis, Esq.
Capplis, Connors & Carroll, PC
18 Tremont Street, Suite 330
Boston, MA 02108
Attorneys for Barakat and Ocean State Pain

Francis A. Connor, III, Esq.
Mark R. Fleury, Esq.
Barton & Gilman, LLP
10 Dorrance Street, Suite 700
Providence, RI 02903
Attorney for Anchor Medical and Appenfeller

/s/ Wendi Venditti

Exhibit B:
**Defendants' Third and Fourth Supplemental
Answers to Interrogatories**

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS,)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

THIRD SUPPLEMENTAL ANSWERS OF THE DEFENDANT, ABDUL R. BARAKAT,
M.D., TO PLAINTIFFS' FIRST SET OF INTERROGATORIES

INTERROGATORY

12. State the names and addresses of all persons Ocean State Pain Management, PC intends to call as lay or fact witnesses in the trial of this matter.

ANSWER

12. This response will be supplemented in a seasonable manner prior to trial.

SUPPLEMENTAL ANSWER

12. I have been instructed by my attorneys that the decision concerning a trial witness list will be made closer to the time of trial. This answer will be supplemented at the appropriate time.

At this time, we intend to call Ingrid Gustafson (Rehoboth, MA), Cassandra White (Warwick, RI), Robin Hart (Ocean State Pain Management, Woonsocket, RI), and Lisa Decotis (Lincoln, RI).

We intend to solicit testimony from individuals who provided both relevant and pertinent information during the federal criminal trial *United States v. Barry J. Cadden, Glenn A. Chin* (No. 14-cr-10363-RGS-1 2). The following list of witnesses is the entire witness list for the Government's case-and-chief. This information became available to us in recent

weeks. When more information becomes available, we may elect to call a select number of these individuals pending the outcome of the criminal trial. Such decision will be made at a later date.

The list of the witnesses is as follows:

No.	Name	Address
1.	Sara Albert	Department of Defense, Defense Criminal Investigative Service, Boston, MA
2.	Rick Allen	Georgia Board of Pharmacy, Atlanta, GA
3.	Anna Allred	Denton, NC
4.	Almaris Alonso-Claudio	Food and Drug Administration, Silver Spring, MD
5.	Michele Andolina	Lancaster, MA
6.	Christopher Annis	OSMC Outpatient Surgery Center, Elkhart, IN
7.	Jean Atkinson	Specialty Surgery Center, Crossville, TN
8.	Bryon Backenson	New York State Department of Health, Albany, NY
9.	James Barnes	Florida Hospital Waterman, Tavares, FL
10.	Anita Baxter	Pontiac, MI
11.	Maria Behr	Elkhart General Hospital, IN
12.	Paul Benson	Office of the Chief Medical Examiner, Roanoke, VA
13.	Ritu Bhambhani	Box Hill Surgery Center, Bel Air, MD
14.	Sharon Bishop	Roanoke, VA
15.	Raymond Bluth	St. Thomas Midtown Hospital, Nashville, TN
16.	Kenneth Bonneau	Framingham, MA
17.	Nichols Booth	Framingham, MA
18.	Evelyn Bowman	Joppa, MD
19.	Margaret Bowsman	South Bend Clinic, South Bend, IN
20.	Mary Brandt	Centers for Disease Control and Preventions, Atlanta, GA
21.	Christopher Brent	South Lyon, MI
22.	Kevin Bresnahan	Worcester, MA
23.	Wendy Bromberek	Oakleaf Surgical Center, Altoona, WI
24.	Ann Burgess	Data Integrity, West Newton, MA
25.	Michele Cale	Oregon Board of Pharmacy, Portland, OR
26.	Edgardo Camacho	UniClean, Nashua, NH
27.	Edwin Cardona	UniClean, Nashua, NH
28.	Belmira Carvalho	Hudson, MA
29.	Derek Carvalho	Hudson, MA
30.	Lindsay Carvalho	Hudson, MA
31.	Bader Cassin	Lenawee County Medical Examiner's Office, Adrian, MI
32.	Leliz Cedrone	Framingham, MA
33.	Sudha Chaturvedi	New York State Department of Health, Albany, NY
34.	William Chi	Framingham, MA

No.	Name	Address
35.	Lai Ping Chu	Massachusetts Eye and Ear Infirmary, Boston, MA
36.	Wilson Chu	Sunrise Hospital and medical Center, Las Vegas, NV
37.	Joseph Connolly	Mansfield, MA
38.	Andrew Cordiale	Glens Falls Hospital, Glen Falls, NY
39.	Michael Cotugno	Brigham and Women's Hospital, Boston, MA
40.	John Culclasure	St. Thomas Outpatient Neurosurgical Center, Nashville, TN
41.	Carla Davis	St. Thomas West Hospital, Nashville, TN
42.	Amanda Deady	Hill County Sport Medicine, San Marcos, TX
43.	Jack Dillon	South Bend, IN
44.	Jennifer Dillon	Lafayette, TN
45.	Kandie Dino	Decatur Memorial Hospital, Decatur, IL
46.	Kristina Donohue	Food and Drug Administration, Silver Spring, MD
47.	Ricardo Dos Santos	UniClean, Nashua, NH
48.	Ramona Dvorak	Brookline, MA
49.	Sunil Eappen	Massachusetts Eye and Ear Infirmary, Boston, MA
50.	Roger Edwards	Madison Associates, Inc., Stuart, FL
51.	Deborah Emerson	Food and Drug Administration, NEW-DO, Stoneham, MA
52.	David Engelthaler	TGen North, The Translational Genomics Research Institute, Flagstaff, AZ
53.	Samuel Eskenazi	Food and Drug Administration, Northeast Regional Lab, Jamaica, NY
54.	Lydia Esty	St. Vincent's Hospital, Birmingham, AL
55.	Brian Evans	U.S. Postal Inspection Service, Concord, NH
56.	Debbie Faint	Winchester Hospital, Winchester, VA
57.	Edward Fallon	Boston, MA
58.	Angela Farthing	Abingdon, MD
59.	Owen Finnegan	Millis, MA
60.	Cory Fletcher	Clinton, NY
61.	Don Florea	Elkhart, IN
62.	William Frisch	Massachusetts Board of Registration in Pharmacy, Boston, MA
63.	Chris Gassen	Colorado State Board of Pharmacy, Denver, CO
64.	Mario Giamei, Jr.	Sutton, MA
65.	Coleta Gipson	Westland, MI
66.	Ryan Greenlee	Brighton, MI
67.	Kimberly Grinston	Missouri Board of Pharmacy, Jefferson City, MO
68.	Marcy Grow-Dorman	OSMC Outpatient Surgery Center, Elkhart, IN
69.	Susan Hadman	Food and Drug Administration, Northeast Regional Lab, Jamaica, NY
70.	Megan Handy	Conowingo, MD
71.	Robert Harris	Vinton, VA

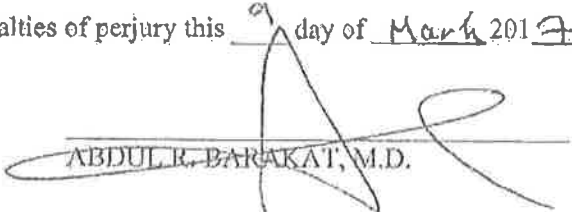
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73.	Stephan Haynes	Holliston, MA
74.	Therese Healey	Paincare Center Inc., Merrimack, NH
75.	Jerry Hester	Adairville, KY
76.	Robert Hoffman	Vanderbilt University Medical Center, Nashville, TN
77.	Tiffany Hyde	Analytical Research Laboratories, Oklahoma City, OK
78.	Philip Istafanos	Food and Drug Administration, Northeast Regional Lab, Jamaica, NY
79.	Peter Jelsma	St. Thomas Health Services, Nashville, TN
80.	Jeffrey Jentzen	Washtenaw County Medical Examiner's Office, Ann Arbor, MI
81.	Steve Johnson	Massachusetts Department of Environmental Protection, Boston, MA
82.	Patty Kaewussdangkul	Food and Drug Administration, Northeast Regional Lab, Jamaica, NY
83.	Marion Kainer	State of Tennessee Department of Health, Nashville, TN
84.	Sarah Karram	Johns Hopkins Hospital, Baltimore, MD
85.	Kiumarce Kashi	Baltimore, MD
86.	Eric Kastango	CLINICALIQ, LLC, Florham Park, NJ
87.	Mary Kauffman-Kennel	OSMC Outpatient Surgery Center, Elkhart, IN
88.	David Kelly	Food and Drug Administration, Office of Criminal Investigations, Wakefield, MA
89.	Patrick Kelly	Rhode Island Department of Health
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92.	Frank Krakowski	South Bend, IN
93.	Jason Kravetz	Department of Veterans Affairs, Bedford, MA
94.	Philip Kreiter	Food and Drug Administration, Silver Spring, MD
95.	Michael Kruzich	Grand Rapids, MI
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97.	Deborah Kushman	Michigan Pain Specialists, Ypsilanti, MI
98.	Mike Laeder	Port Huron Hospital, Port Huron, MI
99.	Penny LePerriere	Milan, MI
100.	Henry Lau	Food and Drug Administration, San Francisco Laboratory, Alameda, CA
101.	Wendy Lavezzi	Office of the District 5 Medical Examiner, Leesburg, FL
102.	Adel Lewis	Office of the Medical Examiner, Nashville, TN
103.	Feng Li	Office of the Medical Examiner, Nashville, TN
104.	Megan Liotta	Professional Compounding Centers of America, Houston, TX

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115.	Sheri McDavid	Brooker, FL
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118.	Catherine Mitchell	Reddick, FL
119.	Brad Myers	Sentara Norfolk General, Norfolk, VA
120.	Samia Nasr	Food and Drug Administration, Silver Spring, MD
121.	David Newton	Shenandoah University, Winchester, VA
122.	George Nichols	Commonwealth Medical Legal Service, Louisville, KY
123.	John Notorianni	Scituate, RI
124.	Mark Nunn	Fitzsimmons, Nunn & Plukas, Rochester, NY
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132.	Wayne Reed	Brentwood, TN
133.	Beth Reynolds	Framingham, MA
134.	Susan Riddle	Elkhart General Hospital, Elkhart, IN
135.	Joseph Ridgley	Food and Drug Administration, Office of Criminal Investigations, Wakefield, MA
136.	Madeline Rivera	Milford, MA

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141.	Leeah Russell	Marlborough, MA
142.	Colette Rybinski	Smyrna, TN
143.	Steven Sanda	Poughkeepsie, NY
144.	Faisal Sayeed	Harford County Ambulatory Surgery Center, Edgewood, MD
145.	Debra Schamberg	St. Thomas Outpatient Neurosurgical Center, Nashville, TN
146.	Jonathan Schrock	OSMC Outpatient Surgery Center, Elkhart, IN
147.	Lauren Scott	Office of the Chief Medical Examiner, Raleigh, NC
148.	Rachelle Shuff	Elkhart, IN
149.	Philip Sliney	Federal Bureau of Investigation, Boston, MA
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151.	Patricia Stahnke	Food and Drug Administration, Denver Laboratory, Denver, CO
152.	Jo Stewart	Massachusetts Eye and Ear Infirmary, Boston, MA
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158.	Cassandra Trudell	Ocean State Pain Management, Woonsocket, RI
159.	Ashlie Ticker	Memphis, TN
160.	Tom Tyner	Spectrum Chemical, New Brunswick, NJ
161.	Vanessa Verni	Mcdisca, Montreal, Canada
162.	Cindy Walsh	Southboro Medical Group, Southboro, MA
163.	Edward Washabaugh, III	Michigan Pain Specialists, Ypsilanti, MI
164.	Bruce Wetton	Guthrie, KY
165.	Mark Willey	Thermo Fisher Scientific, Waltham, MA
166.	Matt Williams	Nashville, TN
167.	Sharon Wingate	Salem, VA
168.	William Winsley	Ohio Board of Pharmacy, Columbus, OH
169.	Carol Woodward	West Virginia University Hospital, Morgantown, WV
170.	Judy Yandura	Romulus, MI
171.	Jonathan Yenovkian	Food and Drug Administration, San Francisco Laboratory, Alameda, CA

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172.	Sherif Zaki	Centers for Disease Control and Preventions, Atlanta, GA
173.	Jennifer Zanon	Oregon Health and Science University, Portland, OR
174.	Adam Ziegler	Woodlawn, TN

Signed under the pains and penalties of perjury this 9 day of March 2017.


ABDUL R. BARAKAT, M.D.

DATED: March 9, 2017

Respectfully Submitted by
Defense Counsel for Abdul Barakat, M.D.:

/s/ Alysson M. Gray
ALYSSON M. GRAY
Reg. #9285
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agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)

VS.)

ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 13TH day of March 2017, I served this document through the electronic filing system on the following parties:

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DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

DATED: March 13, 2017

/s/ Alysson M. Gray
ALYSSON M. GRAY
Reg. #9285
Caplis, Connors & Carroll, PC
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ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

**FOURTH SUPPLEMENTAL ANSWERS OF THE DEFENDANT, OCEAN
STATE PAINMANAGEMENT, PC, TO PLAINTIFFS' FIRST SET OF
INTERROGATORIES**

INTERROGATORY

6. State the names and addresses of all persons Ocean State Pain Management, PC intends to call as lay or fact witnesses in the trial of this matter.

ANSWER

6. This response will be supplemented in a seasonable manner prior to trial.

SUPPLEMENTAL ANSWER

6. I have been instructed by my attorneys that the decision concerning a trial witness list will be made closer to the time of trial. This answer will be supplemented at the appropriate time.

At this time, we intend to call Ingrid Gustafson (Rehoboth, MA), Cassandra White (Warwick, RI), Robin Hart (Ocean State Pain Management, Woonsocket, RI), and Lisa Decotis (Lincoln, RI).

We intend to solicit testimony from individuals who provided both relevant and pertinent information during the federal criminal trial *United States v. Barry J. Cadden, Glenn A. Chin* (No. 14-cr-10363-RGS-1 2). The following list of witnesses is the entire witness list for the Government's case-and-chief. This information became available to us in recent weeks. When more information

becomes available, we may elect to call a select number of these individuals pending the outcome of the criminal trial. Such decision will be made at a later date.

The list of the witnesses is as follows:

No.	Name	Address
1.	Sara Albert	Department of Defense, Defense Criminal Investigative Service, Boston, MA
2.	Rick Allen	Georgia Board of Pharmacy, Atlanta, GA
3.	Anna Allred	Denton, NC
4.	Almaris Alonso-Claudio	Food and Drug Administration, Silver Spring, MD
5.	Michele Andolina	Lancaster, MA
6.	Christopher Annis	OSMC Outpatient Surgery Center, Elkhart, IN
7.	Jean Atkinson	Specialty Surgery Center, Crossville, TN
8.	Bryon Backenson	New York State Department of Health, Albany, NY
9.	James Barnes	Florida Hospital Waterman, Tavares, FL
10.	Anita Baxter	Pontiac, MI
11.	Maria Behr	Elkhart General Hospital, IN
12.	Paul Benson	Office of the Chief Medical Examiner, Roanoke, VA
13.	Ritu Bhambhani	Box Hill Surgery Center, Bel Air, MD
14.	Sharon Bishop	Roanoke, VA
15.	Raymond Bluth	St. Thomas Midtown Hospital, Nashville, TN
16.	Kenneth Boneau	Framingham, MA
17.	Nichols Booth	Framingham, MA
18.	Evelyn Bowman	Joppa, MD
19.	Margaret Bowsman	South Bend Clinic, South Bend, IN
20.	Mary Brandt	Centers for Disease Control and Preventions, Atlanta, GA
21.	Christopher Brent	South Lyon, MI
22.	Kevin Bresnahan	Worcester, MA
23.	Wendy Brombrek	Oakleaf Surgical Center, Altoona, WI
24.	Ann Burgess	Data Integrity, West Newton, MA
25.	Michele Cale	Oregon Board of Pharmacy, Portland, OR
26.	Edgardo Camacho	UniClean, Nashua, NH
27.	Edwin Cardona	UniClean, Nashua, NH
28.	Belmira Carvalho	Hudson, MA
29.	Derek Carvalho	Hudson, MA
30.	Lindsay Carvalho	Hudson, MA
31.	Bader Cassin	Lenawee County Medical Examiner's Office, Adrian, MI
32.	Leliz Cedrone	Framingham, MA
33.	Sudha Chaturvedi	New York State Department of Health, Albany, NY
34.	William Chi	Framingham, MA

No.	Name	Address
35.	Lai Ping Chu	Massachusetts Eye and Ear Infirmary, Boston, MA
36.	Wilson Chu	Sunrise Hospital and medical Center, Las Vegas, NV
37.	Joseph Connolly	Mansfield, MA
38.	Andrew Cordiale	Glens Falls Hospital, Glen Falls, NY
39.	Michael Cotugno	Brigham and Women's Hospital, Boston, MA
40.	John Culclasure	St. Thomas Outpatient Neurosurgical Center, Nashville, TN
41.	Carla Davis	St. Thomas West Hospital, Nashville, TN
42.	Amanda Deady	Hill County Sport Medicine, San Marcos, TX
43.	Jack Dillon	South Bend, IN
44.	Jennifer Dillon	Lafayette, TN
45.	Kandie Dino	Decatur Memorial Hospital, Decatur, IL
46.	Kristina Donohue	Food and Drug Administration, Silver Spring, MD
47.	Ricardo Dos Santos	UniClean, Nashua, NH
48.	Ramona Dvorak	Brookline, MA
49.	Sunil Eappen	Massachusetts Eye and Ear Infirmary, Boston, MA
50.	Roger Edwards	Madison Associates, Inc., Stuart, FL
51.	Deborah Emerson	Food and Drug Administration, NEW-DO, Stoneham, MA
52.	David Engelthaler	TGen North, The Translational Genomics Research Institute, Flagstaff, AZ
53.	Samuel Eskenazi	Food and Drug Administration, Northeast Regional Lab, Jamaica, NY
54.	Lydia Esty	St. Vincent's Hospital, Birmingham, AL
55.	Brian Evans	U.S. Postal Inspection Service, Concord, NH
56.	Debbie Faint	Winchester Hospital, Winchester, VA
57.	Edward Fallon	Boston, MA
58.	Angela Farthing	Abingdon, MD
59.	Owen Finnegan	Millis, MA
60.	Cory Fletcher	Clinton, NY
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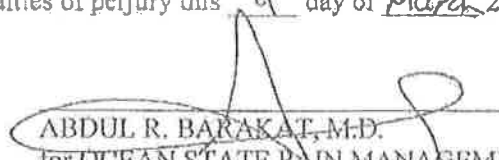
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174.	Adam Ziegler	Woodlawn, TN

Signed under the pains and penalties of perjury this 9 day of March 2017.


 ABDUL R. BARAKAT, M.D.
 for OCEAN STATE PAIN MANAGEMENT, PC

DATED: March 9, 2017

Respectfully Submitted by
 Defense Counsel for Ocean State Pain Management, P.C:

/s/ Alysson M. Gray
 ALYSSON M. GRAY
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STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
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Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)

VS.)

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STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

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Barton & Gilman, LLP
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Providence, RI 02903

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Signed under the pains and penalties of perjury.

DATED: March 13, 2017

/s/ Alysson M. Gray
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Exhibit C:
Providence Superior Court April 21, 2017
Scheduling Order

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PROVIDENCE, SC. SUPERIOR COURT

PATRICIA SCHMIEDEKNECHT, et al
VS.
REX APPENFELLER, et als

PC-13-3207

SCHEDULING ORDER

STATUS CONFERENCE AT 8:30 AM FRIDAY, SEPTEMBER 29, 2017

1. This case involves claims relating to compounding material that allegedly caused meningitis. Criminal charges are pending against non-parties. Defense counsel explains that these charges have delayed their ability to take necessary depositions. The Court is aware of the age of the case and the fact that the parties have failed to appear for a scheduling conference for over a year. Accordingly,
 - 1, Defense counsel will provide Plaintiff's counsel with a list of those witnesses she will be deposing, that list will be provided by May 15, 2017; and
 - i. By May 22, 2017, counsel for Defendant will commence the necessary steps to take those depositions. If it is necessary to open out-of-state files to have subpoenas issue, that will be done by that date. Thereafter, counsel will move expeditiously to take those depositions or waive the right to do so because fact discovery will close. (If those witnesses refuse to testify by making a valid fifth amendment claim, it will not delay this case).
2. Plaintiff has scheduled the deposition of Dr. Appenfeller and a nurse employed by a non-party.
3. Plaintiff intends to take a 30(b)(6) deposition of Dept. of Health. Counsel, will take the necessary steps to do so over the summer or sooner.
4. Plaintiff intends to depose two former employees of Ocean State. If counsel cannot locate them, he is to contact Ocean's State's lawyer for their last known address.
- b. Within two weeks of making that request, counsel for Ocean State will either provide the information or advise that Ocean State will be producing them. In which case, counsel for Ocean State will provide Plaintiff's counsel with three alternate dates and times when they are available. Otherwise, Plaintiff's counsel will take the necessary steps to depose them and will complete the depositions over the summer or sooner.
- c. Any party may conduct additional fact discovery in the event that the aforementioned depositions and other discovery responses trigger an interest in doing so. In such event, the discovery shall be commenced expeditiously, and no later than thirty days after receiving the information that triggered the interest in filing the discovery request or deposition notice.
- d. Fact discovery will close August 31, 2017.
- e. The Court will select a date for expert disclosure at the next status conference.

ENTER:

NETTI C. VOGEL

Associate Justice

April 21, 2017

BY ORDER:

CLERK

Exhibit D:
**Letter to Plaintiff's Counsel Regarding Pending
Out-of-State Depositions**

CAPPLIS, CONNORS & CARROLL, PC
ATTORNEYS AT LAW

www.ccclaw.org

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Matthew R. Connors • *
Judith A. Carroll »
Jeffrey W. Colman
Sandra P. Wysocki Capplis
Mary Beth Connors •
Manasi Tulpule Tabiliani □
Thomas M. Dolan III
Jessica L. Cummings •
Alysson M. Gray ^
Allyson L. Gay
Jameson J. Pasek
Tarek R. Zatet
Christy Hepburn Teel

□ Admitted in California
* Admitted in Connecticut
• Admitted in New Hampshire
» Admitted in New York
^ Admitted Rhode Island

Of Counsel
Hon. Frances A. McIntyre (Ret.)

agray@ccclaw.org

April 28, 2017

Amato Deluca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

RE: Patricia Schmiedeknecht, et al
VS: Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C.
Our File: 20J 4080

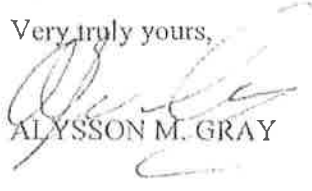
Dear Attorney DeLuca:

Pursuant to Judge Vogel's April 21, 2017 Scheduling Order, below please find the list of NECC Criminal Investigation witnesses we intend to depose in this case. These individuals were previously identified through our supplemental discovery responses. As most, if not all, of these witnesses reside outside of Rhode Island, we intend to seek leave from the Court for the issuance of commissions to take their depositions. Should you need to discuss this with us, please feel free to contact our office.

1. Kenneth Boneau	9. Cory Fletcher	15. Stacy Degarmo	22. Edwin Cardona
2. Nicholas Booth	10. Owen Finnigan	16. Eric Kastango	23. Suneela Mistry
3. Derek Carvalho	11. John Notarini	17. Frank Lombardo	24. 30(b)(6) of
4. Joseph Connolly	12. Barry Cadden	18. Samuel Penta	Analytical Research
5. Mario Giamei, Jr.	13. 30(b)(6) of the Food	19. William Frisch	Laboratories
6. Beth Reynolds	and Drug	20. 30(b)(6) Of	25. Tiffany Hyde
7. Annette Robinson	Administration	UniClean	26. Tom Means
8. Robert Ronzio	14. Sara Albert	21. Edgardo Camacho	

Thank you,

Very truly yours,


ALYSSON M. GRAY

AMG
cc: Frank Connor

Please direct all correspondence to our Boston office

18 Tremont Street • Suite 330
Boston, MA 02108
Phone 617.227.0722 • Fax 617.227.0772

Court House Square
55 Pine Street • Providence, RI 02903
Phone 401.270.2111

Exhibit E:
**Defendants' Fourth and Fifth Supplemental
Answers to Interrogatories**

CAPPLIS, CONNORS & CARROLL, PC
ATTORNEYS AT LAW

www.ccclaw.org

Sean E. Capplis • ^
Matthew R. Connors • •
Judith A. Carroll »
Jeffrey W. Colman
Sandra P. Wysocki Capplis
Mary Beth Connors •
Manasi Tulpule Tahiliani □
Thomas M. Dolan III
Jessica L. Cummings •
Alysson M. Gray ^
Allyson L. Gay
Jameson J. Pasek
Tarek R. Zatet
Christy Hepburn Teel

□ Admitted in California
• Admitted in Connecticut
• Admitted in New Hampshire
» Admitted in New York
^ Admitted Rhode Island

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May 23, 2017

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RE: Patricia Schmiedeknecht, et al
VS: Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C.
Our File: 20J 4080

Dear Counsel:

Enclosed please a copy of the *unsigned* documentation:

**FOURTH SUPPLEMENTAL ANSWERS OF THE DEFENDANT, ABDUL R.
BARAKAT, M.D., TO PLAINTIFFS' FIRST SET OF INTERROGATORIES**

A signed copy will be served to you as soon as is reasonably possible.

Thank you.

Very truly yours,



ALYSSON M. GRAY

AMG

Enclosure

Cc: Francis A. Connor, III, Esquire
Cindy Cassidy, Senior Claims Representative

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STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

**FOURTH SUPPLEMENTAL ANSWERS OF THE DEFENDANT, ABDUL R.
BARAKAT, M.D., TO PLAINTIFFS' FIRST SET OF INTERROGATORIES**

INTERROGATORY

12. State the names and addresses of all persons Ocean State Pain Management, PC intends to call as lay or fact witnesses in the trial of this matter.

ANSWER

12. This response will be supplemented in a seasonable manner prior to trial.

SUPPLEMENTAL ANSWER

12. I have been instructed by my attorneys that the decision concerning a trial witness list will be made closer to the time of trial. This answer will be supplemented at the appropriate time.

At this time, we intend to call Ingrid Gustafson (Rehoboth, MA), Cassandra White (Warwick, RI), Robin Hart (Ocean State Pain Management, Woonsocket, RI), and Lisa Decotis (Lincoln, RI).

We intend to solicit testimony from individuals who provided both relevant and pertinent information during the federal criminal trial *United States v. Barry J. Cadden, Glenn A. Chin* (No. 14-cr-10363-RGS-1 2). The following list of witnesses is the entire witness list for the Government's case-and-chief. This information became available to us in recent

weeks. When more information becomes available, we may elect to call a select number of these individuals pending the outcome of the criminal trial. Such decision will be made at a later date.

The list of the witnesses is as follows:

No.	Name	Address
1.	Sara Albert	Department of Defense, Defense Criminal Investigative Service, Boston, MA
2.	Rick Allen	Georgia Board of Pharmacy, Atlanta, GA
3.	Anna Allred	Denton, NC
4.	Almaris Alonso-Claudio	Food and Drug Administration, Silver Spring, MD
5.	Michele Andolina	Lancaster, MA
6.	Christopher Annis	OSMC Outpatient Surgery Center, Elkhart, IN
7.	Jean Atkinson	Specialty Surgery Center, Crossville, TN
8.	Bryon Backenson	New York State Department of Health, Albany, NY
9.	James Barnes	Florida Hospital Waterman, Tavares, FL
10.	Anita Baxter	Pontiac, MI
11.	Maria Behr	Elkhart General Hospital, IN
12.	Paul Benson	Office of the Chief Medical Examiner, Roanoke, VA
13.	Ritu Bhambhani	Box Hill Surgery Center, Bel Air, MD
14.	Sharon Bishop	Roanoke, VA
15.	Raymond Bluth	St. Thomas Midtown Hospital, Nashville, TN
16.	Kenneth Boncau	Framingham, MA
17.	Nichols Booth	Framingham, MA
18.	Evelyn Bowman	Joppa, MD
19.	Margaret Bowsman	South Bend Clinic, South Bend, IN
20.	Mary Brandt	Centers for Disease Control and Preventions, Atlanta, GA
21.	Christopher Brent	South Lyon, MI
22.	Kevin Bresnahan	Worcester, MA
23.	Wendy Bromberek	Oakleaf Surgical Center, Altoona, WI
24.	Ann Burgess	Data Integrity, West Newton, MA
25.	Michele Cale	Oregon Board of Pharmacy, Portland, OR
26.	Edgardo Camacho	UniClean, Nashua, NH
27.	Edwin Cardona	UniClean, Nashua, NH
28.	Belmira Carvalho	Hudson, MA
29.	Derek Carvalho	Hudson, MA
30.	Lindsay Carvalho	Hudson, MA
31.	Bader Cassin	Lenawee County Medical Examiner's Office, Adrian, MI
32.	Leliz Cedrone	Framingham, MA
33.	Sudha Chaturvedi	New York State Department of Health, Albany, NY
34.	William Chi	Framingham, MA

No.	Name	Address
35.	Lai Ping Chu	Massachusetts Eye and Ear Infirmary, Boston, MA
36.	Wilson Chu	Sunrise Hospital and medical Center, Las Vegas, NV
37.	Joseph Connolly	Mansfield, MA
38.	Andrew Cordiale	Glens Falls Hospital, Glen Falls, NY
39.	Michael Cotugno	Brigham and Women's Hospital, Boston, MA
40.	John Culclasure	St. Thomas Outpatient Neurosurgical Center, Nashville, TN
41.	Carla Davis	St. Thomas West Hospital, Nashville, TN
42.	Amanda Deady	Hill County Sport Medicine, San Marcos, TX
43.	Jack Dillon	South Bend, IN
44.	Jennifer Dillon	Lafayette, TN
45.	Kandie Dino	Decatur Memorial Hospital, Decatur, IL
46.	Kristina Donohue	Food and Drug Administration, Silver Spring, MD
47.	Ricardo Dos Santos	UniClean, Nashua, NH
48.	Ramona Dvorak	Brookline, MA
49.	Sunil Eappen	Massachusetts Eye and Ear Infirmary, Boston, MA
50.	Roger Edwards	Madison Associates, Inc., Stuart, FL
51.	Deborah Emerson	Food and Drug Administration, NEW-DO, Stoneham, MA
52.	David Engelthaler	TGen North, The Translational Genomics Research Institute, Flagstaff, AZ
53.	Samuel Eskenazi	Food and Drug Administration, Northeast Regional Lab, Jamaica, NY
54.	Lydia Esty	St. Vincent's Hospital, Birmingham, AL
55.	Brian Evans	U.S. Postal Inspection Service, Concord, NH
56.	Debbie Faint	Winchester Hospital, Winchester, VA
57.	Edward Fallon	Boston, MA
58.	Angela Farthing	Abingdon, MD
59.	Owen Finnegan	Millis, MA
60.	Cory Fletcher	Clinton, NY
61.	Don Florea	Elkhart, IN
62.	William Frisch	Massachusetts Board of Registration in Pharmacy, Boston, MA
63.	Chris Gassen	Colorado State Board of Pharmacy, Denver, CO
64.	Mario Giamei, Jr.	Sutton, MA
65.	Coleta Gipson	Westland, MI
66.	Ryan Greenlee	Brighton, MI
67.	Kimberly Grinston	Missouri Board of Pharmacy, Jefferson City, MO
68.	Marcy Grow-Dorman	OSMC Outpatient Surgery Center, Elkhart, IN
69.	Susan Hadman	Food and Drug Administration, Northeast Regional Lab, Jamaica, NY
70.	Megan Handy	Conowingo, MD
71.	Robert Harris	Vinton, VA

No.	Name	Address
72.	Susan Hawes	Elkhart General Hospital, Elkhart, IN
73.	Stephan Haynes	Holliston, MA
74.	Therese Healey	Paincare Center Inc., Merrimack, NH
75.	Jerry Hester	Adairville, KY
76.	Robert Hoffinan	Vanderbilt University Medical Center, Nashville, TN
77.	Tiffany Hyde	Analytical Research Laboratories, Oklahoma City, OK
78.	Philip Istafanos	Food and Drug Administration, Northeast Regional Lab, Jamaica, NY
79.	Peter Jelsma	St. Thomas Health Services, Nashville, TN
80.	Jeffrey Jentzen	Washtenaw County Medical Examiner's Office, Ann Arbor, MI
81.	Steve Johnson	Massachusetts Department of Environmental Protection, Boston, MA
82.	Patty Kaewussdangkul	Food and Drug Administration, Northeast Regional Lab, Jamaica, NY
83.	Marion Kainer	State of Tennessee Department of health, Nashville, TN
84.	Sarah Karram	Johns Hopkins Hospital, Baltimore, MD
85.	Kiumarce Kashi	Baltimore, MD
86.	Eric Kastango	CLINICALIQ, LLC, Florham Park, NJ
87.	Mary Kauffman-Kennel	OSMC Outpatient Surgery Center, Elkhart, IN
88.	David Kelly	Food and Drug Administration, Office of Criminal Investigations, Wakefield, MA
89.	Patrick Kelly	Rhode Island Department of Health
90.	Kevin Kinkade	Missouri Board of Pharmacy, Jefferson City, MO
91.	Jeffrey Kohn	South Bend, IN
92.	Frank Krakowski	South Bend, IN
93.	Jason Kravetz	Department of Veterans Affairs, Bedford, MA
94.	Philip Kreiter	Food and Drug Administration, Silver Spring, MD
95.	Michael Kruzich	Grand Rapids, MI
96.	Jonathann Kuo	Hudson Spine and Pain Medicine, New York, NY
97.	Deborah Kushman	Michigan Pain Specialists, Ypsilanti, MI
98.	Mike Laeder	Port Huron Hospital, Port Huron, MI
99.	Penny LePerriere	Milan, MI
100.	Henry Lau	Food and Drug Administration, San Francisco Laboratory, Alameda, CA
101.	Wendy Lavezzi	Office of the District 5 Medical Examiner, Leesburg, FL
102.	Adel Lewis	Office of the Medical Examiner, Nashville, TN
103.	Feng Li	Office of the Medical Examiner, Nashville, TN
104.	Megan Liotta	Professional Compounding Centers of America, Houston, TX

No.	Name	Address
105.	Kenneth Lister	Specialty Surgery Center, Crossville, TN
106.	Frank Lombardo	Food and Drug Administration, Office of Criminal Investigation, Wakefield, MA
107.	Joyce Lovelace	Albany, KY
108.	Abel Luna	Framingham, MA
109.	Stephan Lutz	Franklin, MA
110.	Anurag Malani	St. Joseph's Hospital, Ypsilanti, MI
111.	Michael Mangiacotti	Food and Drug Administration, Office of Criminal Investigations, Wakefield, MA
112.	Rose Mann	Keck Hospital of University of Southern California, Los Angeles, CA
113.	Michael Maselli	Food and Drug Administration, Denver Laboratory, Denver, CO
114.	Cindy McClendon	St. Thomas Outpatient Neurosurgical Center, Nashville, TN
115.	Sheri McDavid	Brooker, FL
116.	Leo McKenna	Massachusetts Board of Registration in Pharmacy, Boston, MA
117.	Tommy Means	Analytical Research Laboratories, Oklahoma City, OK
118.	Catherine Mitchell	Reddick, FL
119.	Brad Myers	Sentara Norfolk General, Norfolk, VA
120.	Samia Nasr	Food and Drug Administration, Silver Spring, MD
121.	David Newton	Shenandoah University, Winchester, VA
122.	George Nichols	Commonwealth Medical Legal Service, Louisville, KY
123.	John Notorianni	Scituate, RI
124.	Mark Nunn	Fitzsimmons, Nunn & Plukas, Rochester, NY
125.	Alan Okun	Ortho New York, Albany, NY
126.	Benjamin Park	Centers for Disease Control and Prevention, Atlanta, GA
127.	Samuel Penta	Massachusetts Board of Registration in Pharmacy, Boston, MA
128.	Jeffrey Philips	Westboro, MA
129.	Bonnie Pitt	Winchester Hospital, Winchester, VA
130.	Joseph Prahlow	Western Michigan University Medical School, Kalamazoo, MI
131.	Zachary Pratico	Boston, MA
132.	Wayne Reed	Brentwood, TN
133.	Beth Reynolds	Framingham, MA
134.	Susan Riddle	Elkhart General Hospital, Elkhart, IN
135.	Joseph Ridgley	Food and Drug Administration, Office of Criminal Investigations, Wakefield, MA
136.	Madeline Rivera	Milford, MA

No.	Name	Address
137.	Michelle Rovers	Upton, MA
138.	Annette Robinson	Hopkinton, MA
139.	Haydee Romero	Food and Drug Administration, Northeast Regional Lab, Jamaica, NY
140.	Lanndon Rose	Advocate Good Shepherd Hospital, Barrington, IL
141.	Leeah Russell	Marlborough, MA
142.	Colette Rybinski	Smyrna, TN
143.	Steven Sanda	Poughkeepsie, NY
144.	Faisal Sayeed	Harford County Ambulatory Surgery Center, Edgewood, MD
145.	Debra Schamberg	St. Thomas Outpatient Neurosurgical Center, Nashville, TN
146.	Jonathan Schrock	OSMC Outpatient Surgery Center, Elkhart, IN
147.	Lauren Scott	Office of the Chief Medical Examiner, Raleigh, NC
148.	Rachelle Shuff	Elkhart, IN
149.	Philip Sliney	Federal Bureau of Investigation, Boston, MA
150.	Drew Spelts	Spine and Pain Center of Nebraska, Lincoln, NE
151.	Patricia Stahnke	Food and Drug Administration, Denver Laboratory, Denver, CO
152.	Jo Stewart	Massachusetts Eye and Ear Infirmary, Boston, MA
153.	Brian Stone	Melbourne, FL
154.	Alex Tang	Analytical Research Laboratories, Oklahoma City, OK
155.	Any Tharp	Office of the Chief Medical Examiner, Roanoke, VA
156.	Kenneth Todd	Howell, MI
157.	Wendy Tribbett	South Bend Clinic, South Bend, IN
158.	Cassandra Trudell	Ocean State Pain Management, Woonsocket, RI
159.	Ashlie Ticker	Memphis, TN
160.	Tom Tyner	Spectrum Chemical, New Brunswick, NJ
161.	Vanessa Verni	Medisca, Montreal, Canada
162.	Cindy Walsh	Southboro Medical Group, Southboro, MA
163.	Edward Washabaugh, III	Michigan Pain Specialists, Ypsilanti, MI
164.	Bruce Wetton	Guthrie, KY
165.	Mark Willey	Thermo Fisher Scientific, Waltham, MA
166.	Matt Williams	Nashville, TN
167.	Sharon Wingate	Salem, VA
168.	William Winsley	Ohio Board of Pharmacy, Columbus, OH
169.	Carol Woodward	West Virginia University Hospital, Morgantown, WV
170.	Judy Yandura	Romulus, MI
171.	Jonathan Yenovkian	Food and Drug Administration, San Francisco Laboratory, Alameda, CA

No.	Name	Address
172.	Sherif Zaki	Centers for Disease Control and Preventions, Atlanta, GA
173.	Jennifer Zanon	Oregon Health and Science University, Portland, OR
174.	Adam Ziegler	Woodlawn, TN

FOURTH SUPPLEMENTAL ANSWER

12. I have been instructed by my attorneys that the decision concerning a trial witness list will be made closer to the time of trial. This answer will be supplemented at the appropriate time.

At this time, we intend to call Ingrid Gustafson (Rehoboth, MA), Cassandra White (Warwick, RI), Robin Hart (Ocean State Pain Management, Woonsocket, RI), and Lisa Decotis (Lincoln, RI).

The Defendant intends to solicit testimony from individuals who provided both relevant and pertinent information during the federal criminal trial *United States v. Barry J. Cadden, Glenn A. Chin* (No. 14-cr-10363-RGS-1 2) as well as testimony provided by individuals identified in the Multi-District Civil Litigation concerning the New England Compounding Company in connection with the 2012 fungal meningitis outbreak.

The Defendant reserves the right to amend this list as more relevant evidence is collected.

The list of the witnesses with their last known addresses is as follows. Please note that individuals noted with a * are known to be represented by counsel.

	Name	Known Address	Counsel if Applicable
1.	Kenneth Boneau	28 Bonito Drive, Framingham, MA 01701	
2.	Nicholas Booth	10 Easton Road, Framingham, MA 01701	
3.	Derek Carvalho	13 Tiffany Lane, Hudson, MA 01749	
4.	Joseph Connolly	33 Cottage Street, Mansfield, MA 02048	
5.	Mario Giamei, Jr.*	86 Boston Road, Sutton, MA 01590	<i>Karen Pickette, Esq.</i> 22 Batterymarch St., 4 th Fl, Boston, MA 02109
6.	Beth Reynolds	50 Edgell Drive, Framingham, MA 01701	
7.	Annette Robinson	3 Auciello Drive, Hopkinton, MA 01748	

8.	Robert Ronzio	7 Sorrell Road, North Providence, RI 02904	
9.	Cory Fletcher	197 Saint Marys Ave., Clinton, NY 13323	
10.	Owen Finnigan	2 Heritage Road, Dracut, MA 01826	
11.	John Notarianni	21 Stephanic Drive, Scituate, RI 02816)	
12.	Barry Cadden*	Boston, MA 02108	<i>Callan Stein, Esq.</i> One Beacon St., suite 1320, Boston, MA 02108
13.	30(b)(6) of the Food and Drug Administration	109 Holton Street, Winchester, MA 01890	
14.	Sara Albert	55 New Sudbury Street, Boston, MA 02203	
15.	Stacy Degarmo	10903 New Hampshire Avenue, Silver Spring, MD 20993	
16.	Eric Kastango	184 Columbia Turnpike, Florham Park, NJ 07932	
17.	Frank Lombardo	109 Holton Street, Winchester, MA 01890	
18.	Samuel Penta*	239 Causeway Street, Suite 500, Boston, MA 02114	<i>Tom DeGengi, Esq.</i> 1 Ashburton Pl, 18th Fl, Boston, MA, 02108
19.	William Frisch	239 Causeway Street, Suite 500, Boston, MA 02114	
20.	30(b)(6) Of UniClean*	Boston, MA	<i>Robert Bracerias, Esq.</i> 109 Holton St., Winchester, MA 01890
21.	Edgardo Camacho*	Boston, MA	<i>Robert Bracerias, Esq.</i> 109 Holton St., Winchester, MA 01890
22.	Edwin Cardona*	Boston, MA	<i>Robert Bracerias, Esq.</i> 109 Holton St., Winchester, MA 01890
23.	Suneela Mistry*	Boston, MA	<i>Robert Bracerias, Esq.</i> 109 Holton St., Winchester, MA 01890
24.	30(b)(6) of Analytical Research Laboratories*	Oklahoma City, OK	<i>Drew Neville, Esq.</i> 201 Robert S. Kerr Ave., Suite 1600, Oklahoma City, OK 73102

25.	Tiffany Hyde*	Oklahoma City, OK	<i>Drew Neville, Esq.</i> 201 Robert S. Kerr Ave., Suite 1600, Oklahoma City, OK 73102
26.	Tom Means*	Oklahoma City, OK	<i>Drew Neville, Esq.</i> 201 Robert S. Kerr Ave., Suite 1600, Oklahoma City, OK 73102

Signed under the pains and penalties of perjury this ____ day of _____, 2017.

ABDUL R. BARAKAT, M.D.

DATED: May 23, 2017

Respectfully Submitted by
Defense Counsel for Abdul Barakat, M.D.:

/s/ Alysson M. Gray
ALYSSON M. GRAY
Reg. #9285
Capplis, Connors & Carroll, PC
18 Tremont Street - Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 23rd day of May 2017, I served this document through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY
Reg. #9285
Caplis, Connors & Carroll, PC
18 Tremont Street - Suite 330
Boston, MA 02108
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STATE OF RHODE ISLAND

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**FIFTH SUPPLEMENTAL ANSWERS OF THE DEFENDANT, OCEAN STATE
PAIN MANAGEMENT, PC, TO PLAINTIFFS' FIRST SET OF
INTERROGATORIES**

INTERROGATORY

6. State the names and addresses of all persons Ocean State Pain Management, PC intends to call as lay or fact witnesses in the trial of this matter.

ANSWER

6. This response will be supplemented in a seasonable manner prior to trial.

SUPPLEMENTAL ANSWER

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CAPPLIS, CONNORS & CARROLL, PC
ATTORNEYS AT LAW

www.ccclaw.org

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Matthew R. Connors • *
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Of Counsel
Hon. Frances A. McIntyre (Ret.)

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Thank you.

Very truly yours,



ALYSSON M. GRAY

AMG

Enclosure

Cc: Francis A. Connor, III, Esquire
Cindy Cassidy, Senior Claims Representative

Please direct all correspondence to our Boston office

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1.	Sara Albert	Department of Defense, Defense Criminal Investigative Service, Boston, MA
2.	Rick Allen	Georgia Board of Pharmacy, Atlanta, GA
3.	Anna Allred	Denton, NC
4.	Almaris Alonso-Claudio	Food and Drug Administration, Silver Spring, MD
5.	Michele Andolina	Lancaster, MA
6.	Christopher Annis	OSMC Outpatient Surgery Center, Elkhart, IN
7.	Jean Atkinson	Specialty Surgery Center, Crossville, TN
8.	Bryon Backenson	New York State Department of Health, Albany, NY
9.	James Barnes	Florida Hospital Waterman, Tavares, FL
10.	Anita Baxter	Pontiac, MI
11.	Maria Behr	Elkhart General Hospital, IN
12.	Paul Benson	Office of the Chief Medical Examiner, Roanoke, VA
13.	Ritu Bhambhani	Box Hill Surgery Center, Bel Air, MD
14.	Sharon Bishop	Roanoke, VA
15.	Raymond Bluth	St. Thomas Midtown Hospital, Nashville, TN
16.	Kenneth Boneau	Framingham, MA
17.	Nichols Booth	Framingham, MA
18.	Evelyn Bowman	Joppa, MD
19.	Margaret Bowsman	South Bend Clinic, South Bend, IN
20.	Mary Brandt	Centers for Disease Control and Preventions, Atlanta, GA
21.	Christopher Brent	South Lyon, MI
22.	Kevin Bresnahan	Worcester, MA
23.	Wendy Bromberek	Oakleaf Surgical Center, Altoona, WI
24.	Ann Burgess	Data Integrity, West Newton, MA
25.	Michele Cale	Oregon Board of Pharmacy, Portland, OR
26.	Edgardo Camacho	UniClean, Nashua, NH
27.	Edwin Cardona	UniClean, Nashua, NH
28.	Belmira Carvalho	Hudson, MA
29.	Derek Carvalho	Hudson, MA
30.	Lindsay Carvalho	Hudson, MA
31.	Bader Cassin	Lenawee County Medical Examiner's Office, Adrian, MI
32.	Leliz Cedrone	Framingham, MA
33.	Sudha Chaturvedi	New York State Department of Health, Albany, NY
34.	William Chi	Framingham, MA

No.	Name	Address
35.	Lai Ping Chu	Massachusetts Eye and Ear Infirmary, Boston, MA
36.	Wilson Chu	Sunrise Hospital and medical Center, Las Vegas, NV
37.	Joseph Connolly	Mansfield, MA
38.	Andrew Cordiale	Glens Falls Hospital, Glen Falls, NY
39.	Michael Cotugno	Brigham and Women's Hospital, Boston, MA
40.	John Culclasure	St. Thomas Outpatient Neurosurgical Center, Nashville, TN
41.	Carla Davis	St. Thomas West Hospital, Nashville, TN
42.	Amanda Deady	Hill County Sport Medicine, San Marcos, TX
43.	Jack Dillon	South Bend, IN
44.	Jennifer Dillon	Lafayette, TN
45.	Kandie Dino	Decatur Memorial Hospital, Decatur, IL
46.	Kristina Donohue	Food and Drug Administration, Silver Spring, MD
47.	Ricardo Dos Santos	UniClean, Nashua, NH
48.	Ramona Dvorak	Brookline, MA
49.	Sunil Eappen	Massachusetts Eye and Ear Infirmary, Boston, MA
50.	Roger Edwards	Madison Associates, Inc., Stuart, FL
51.	Deborah Emerson	Food and Drug Administration, NEW-DO, Stoneham, MA
52.	David Engelthaler	TGen North, The Translational Genomics Research Institute, Flagstaff, AZ
53.	Samuel Eskenazi	Food and Drug Administration, Northeast Regional Lab, Jamaica, NY
54.	Lydia Esty	St. Vincent's Hospital, Birmingham, AL
55.	Brian Evans	U.S. Postal Inspection Service, Concord, NH
56.	Debbie Faint	Winchester Hospital, Winchester, VA
57.	Edward Fallon	Boston, MA
58.	Angela Farthing	Abingdon, MD
59.	Owen Finnegan	Millis, MA
60.	Cory Fletcher	Clinton, NY
61.	Don Florea	Elkhart, IN
62.	William Frisch	Massachusetts Board of Registration in Pharmacy, Boston, MA
63.	Chris Gassen	Colorado State Board of Pharmacy, Denver, CO
64.	Mario Giamei, Jr.	Sutton, MA
65.	Colcta Gipson	Westland, MI
66.	Ryan Greenlee	Brighton, MI
67.	Kimberly Grinston	Missouri Board of Pharmacy, Jefferson City, MO
68.	Marcy Grow-Dorman	OSMC Outpatient Surgery Center, Elkhart, IN
69.	Susan Hadman	Food and Drug Administration, Northeast Regional Lab, Jamaica, NY
70.	Megan Handy	Conowingo, MD
71.	Robert Harris	Vinton, VA

No.	Name	Address
72.	Susan Hawes	Elkhart General Hospital, Elkhart, IN
73.	Stephan Haynes	Holliston, MA
74.	Therese Healey	Paincare Center Inc., Merrimack, NH
75.	Jerry Hester	Adairville, KY
76.	Robert Hoffman	Vanderbilt University Medical Center, Nashville, TN
77.	Tiffany Hyde	Analytical Research Laboratories, Oklahoma City, OK
78.	Philip Istafanos	Food and Drug Administration, Northeast Regional Lab, Jamaica, NY
79.	Peter Jelsma	St. Thomas Health Services, Nashville, TN
80.	Jeffrey Jentzen	Washtenaw County Medical Examiner's Office, Ann Arbor, MI
81.	Steve Johnson	Massachusetts Department of Environmental Protection, Boston, MA
82.	Patty Kaewussdangkul	Food and Drug Administration, Northeast Regional Lab, Jamaica, NY
83.	Marion Kainer	State of Tennessee Department of health, Nashville, TN
84.	Sarah Karram	Johns Hopkins Hospital, Baltimore, MD
85.	Kiumarce Kashi	Baltimore, MD
86.	Eric Kastango	CLINICALIQ, LLC, Florham Park, NJ
87.	Mary Kauffman-Kennel	OSMC Outpatient Surgery Center, Elkhart, IN
88.	David Kelly	Food and Drug Administration, Office of Criminal Investigations, Wakefield, MA
89.	Patrick Kelly	Rhode Island Department of Health
90.	Kevin Kinkade	Missouri Board of Pharmacy, Jefferson City, MO
91.	Jeffrey Kohn	South Bend, IN
92.	Frank Krakowski	South Bend, IN
93.	Jason Kravetz	Department of Veterans Affairs, Bedford, MA
94.	Philip Kreiter	Food and Drug Administration, Silver Spring, MD
95.	Michael Kruzich	Grand Rapids, MI
96.	Jonathann Kuo	Hudson Spine and Pain Medicine, New York, NY
97.	Deborah Kushman	Michigan Pain Specialists, Ypsilanti, MI
98.	Mike Laeder	Port Huron Hospital, Port Huron, MI
99.	Penny LePerriere	Milan, MI
100.	Henry Lau	Food and Drug Administration, San Francisco Laboratory, Alameda, CA
101.	Wendy Lavezzi	Office of the District 5 Medical Examiner, Leesburg, FL
102.	Adel Lewis	Office of the Medical Examiner, Nashville, TN
103.	Feng Li	Office of the Medical Examiner, Nashville, TN
104.	Megan Liotta	Professional Compounding Centers of America, Houston, TX

No.	Name	Address
105.	Kenneth Lister	Specialty Surgery Center, Crossville, TN
106.	Frank Lombardo	Food and Drug Administration, Office of Criminal Investigation, Wakefield, MA
107.	Joyce Lovelace	Albany, KY
108.	Abel Luna	Framingham, MA
109.	Stephan Lutz	Franklin, MA
110.	Anurag Malani	St. Joseph's Hospital, Ypsilanti, MI
111.	Michael Mangiacotti	Food and Drug Administration, Office of Criminal Investigations, Wakefield, MA
112.	Rose Mann	Kech Hospital of University of Southern California, Los Angeles, CA
113.	Michael Maselli	Food and Drug Administration, Denver Laboratory, Denver, CO
114.	Cindy McClendon	St. Thomas Outpatient Neurosurgical Center, Nashville, TN
115.	Sheri McDavid	Brooker, FL
116.	Leo McKenna	Massachusetts Board of Registration in Pharmacy, Boston, MA
117.	Tommy Means	Analytical Research Laboratories, Oklahoma City, OK
118.	Catherine Mitchell	Reddick, FL
119.	Brad Myers	Sentara Norfolk General, Norfolk, VA
120.	Samia Nasr	Food and Drug Administration, Silver Spring, MD
121.	David Newton	Shenandoah University, Winchester, VA
122.	George Nichols	Commonwealth Medical Legal Service, Louisville, KY
123.	John Notorianni	Scituate, RI
124.	Mark Nunn	Fitzsimmons, Nunn & Plukas, Rochester, NY
125.	Alan Okun	Ortho New York, Albany, NY
126.	Benjamin Park	Centers for Disease Control and Prevention, Atlanta, GA
127.	Samuel Penta	Massachusetts Board of Registration in Pharmacy, Boston, MA
128.	Jeffrey Phillips	Westboro, MA
129.	Bonnie Pitt	Winchester Hospital, Winchester, VA
130.	Joseph Prahlow	Western Michigan University Medical School, Kalamazoo, MI
131.	Zachary Pratico	Boston, MA
132.	Wayne Reed	Brentwood, TN
133.	Beth Reynolds	Framingham, MA
134.	Susan Riddle	Elkhart General Hospital, Elkhart, IN
135.	Joseph Ridgley	Food and Drug Administration, Office of Criminal Investigations, Wakefield, MA
136.	Madeline Rivera	Millford, MA

No.	Name	Address
137.	Michelle Rovers	Upton, MA
138.	Annette Robinson	Hopkinton, MA
139.	Haydee Romero	Food and Drug Administration, Northeast Regional Lab, Jamaica, NY
140.	Lanndon Rose	Advocate Good Shepherd Hospital, Barrington, IL
141.	Leeah Russell	Marlborough, MA
142.	Colette Rybinski	Smyrna, TN
143.	Steven Sanda	Poughkeepsie, NY
144.	Faisal Sayeed	Harford County Ambulatory Surgery Center, Edgewood, MD
145.	Debra Schamberg	St. Thomas Outpatient Neurosurgical Center, Nashville, TN
146.	Jonathan Schrock	OSMC Outpatient Surgery Center, Elkhart, IN
147.	Lauren Scott	Office of the Chief Medical Examiner, Raleigh, NC
148.	Rachelle Shuff	Elkhart, IN
149.	Philip Sliney	Federal Bureau of Investigation, Boston, MA
150.	Drew Spelts	Spine and Pain Center of Nebraska, Lincoln, NE
151.	Patricia Stahnke	Food and Drug Administration, Denver Laboratory, Denver, CO
152.	Jo Stewart	Massachusetts Eye and Ear Infirmary, Boston, MA
153.	Brian Stone	Melbourne, FL
154.	Alex Tang	Analytical Research Laboratories, Oklahoma City, OK
155.	Any Tharp	Office of the Chief Medical Examiner, Roanoke, VA
156.	Kenneth Todd	Howell, MI
157.	Wendy Tribbett	South Bend Clinic, South Bend, IN
158.	Cassandra Trudell	Ocean State Pain Management, Woonsocket, RI
159.	Ashlie Ticker	Memphis, TN
160.	Tom Tyner	Spectrum Chemical, New Brunswick, NJ
161.	Vanessa Verni	Medisca, Montreal, Canada
162.	Cindy Walsh	Southboro Medical Group, Southboro, MA
163.	Edward Washabaugh, III	Michigan Pain Specialists, Ypsilanti, MI
164.	Bruce Wetton	Guthrie, KY
165.	Mark Willey	Thermo Fisher Scientific, Waltham, MA
166.	Matt Williams	Nashville, TN
167.	Sharon Wingate	Salem, VA
168.	William Winsley	Ohio Board of Pharmacy, Columbus, OH
169.	Carol Woodward	West Virginia University Hospital, Morgantown, WV
170.	Judy Yandura	Romulus, MI
171.	Jonathan Yenovkian	Food and Drug Administration, San Francisco Laboratory, Alameda, CA

No.	Name	Address
172.	Sherif Zaki	Centers for Disease Control and Preventions, Atlanta, GA
173.	Jennifer Zanon	Oregon Health and Science University, Portland, OR
174.	Adam Ziegler	Woodlawn, TN

FIFTH SUPPLEMENTAL ANSWER

6. This Defendant has been instructed by its attorneys that the decision concerning a trial witness list will be made closer to the time of trial. This answer will be supplemented at the appropriate time.

At this time, the Defendant intends to call Ingrid Gustafson (Rehoboth, MA), Cassandra White (Warwick, RI), Robin Hart (Ocean State Pain Management, Woonsocket, RI), Abdul Barakat, and Lisa Decotis (Lincoln, RI).

The Defendant intends to solicit testimony from individuals who provided both relevant and pertinent information during the federal criminal trial *United States v. Barry J. Cadden, Glenn A. Chin* (No. 14-cr-10363-RGS-I 2) as well as testimony provided by individuals identified in the Multi-District Civil Litigation concerning the New England Compounding Company in connection with the 2012 fungal meningitis outbreak.

The Defendant reserves the right to amend this list as more relevant evidence is collected.

The list of the witnesses with their last known addresses is as follows. Please note that individuals noted with a * are known to be represented by counsel.

	Name	Known Address	Counsel if Applicable
1.	Kenneth Boneau	28 Bonito Drive, Framingham, MA 01701	
2.	Nicholas Booth	10 Easton Road, Framingham, MA 01701	
3.	Derek Carvalho	13 Tiffany Lane, Hudson, MA 01749	
4.	Joseph Connolly	33 Cottage Street, Mansfield, MA 02048	
5.	Mario Giamei, Jr.*	86 Boston Road, Sutton, MA 01590	<i>Karen Pickette, Esq.</i> 22 Batterymarch St., 4 th Fl, Boston, MA 02109
6.	Beth Reynolds	50 Edgell Drive, Framingham, MA 01701	

7.	Annette Robinson	3 Auciello Drive, Hopkinton, MA 01748	
8.	Robert Ronzio	7 Sorrell Road, North Providence, RI 02904	
9.	Cory Fletcher	197 Saint Marys Ave., Clinton, NY 13323	
10.	Owen Finnigan	2 Heritage Road, Dracut, MA 01826	
11.	John Notarianni	21 Stephanie Drive, Scituate, RI 02816)	
12.	Barry Cadden*	Boston, MA 02108	<i>Callan Stein, Esq.</i> One Beacon St., suite 1320, Boston, MA 02108
13.	30(b)(6) of the Food and Drug Administration	109 Holton Street, Winchester, MA 01890	
14.	Sara Albert	55 New Sudbury Street, Boston, MA 02203	
15.	Stacy Degarmo	10903 New Hampshire Avenue, Silver Spring, MD 20993	
16.	Eric Kastango	184 Columbia Turnpike, Florham Park, NJ 07932	
17.	Frank Lombardo	109 Holton Street, Winchester, MA 01890	
18.	Samuel Penta*	239 Causeway Street, Suite 500, Boston, MA 02114	<i>Tom DeGengi, Esq.</i> 1 Ashburton Pl, 18th Fl, Boston, MA, 02108
19.	William Frisch	239 Causeway Street, Suite 500, Boston, MA 02114	
20.	30(b)(6) Of UniClean*	Boston, MA	<i>Robert Bracerias, Esq.</i> 109 Holton St., Winchester, MA 01890
21.	Edgardo Camacho*	Boston, MA	<i>Robert Bracerias, Esq.</i> 109 Holton St., Winchester, MA 01890
22.	Edwin Cardona*	Boston, MA	<i>Robert Bracerias, Esq.</i> 109 Holton St., Winchester, MA 01890
23.	Suncela Mistry*	Boston, MA	<i>Robert Bracerias, Esq.</i> 109 Holton St., Winchester, MA 01890

24.	30(b)(6) of Analytical Research Laboratories*	Oklahoma City, OK	<i>Drew Neville, Esq.</i> 201 Robert S. Kerr Ave., Suite 1600, Oklahoma City, OK 73102
25.	Tiffany Hyde*	Oklahoma City, OK	<i>Drew Neville, Esq.</i> 201 Robert S. Kerr Ave., Suite 1600, Oklahoma City, OK 73102
26.	Tom Means*	Oklahoma City, OK	<i>Drew Neville, Esq.</i> 201 Robert S. Kerr Ave., Suite 1600, Oklahoma City, OK 73102

Signed under the pains and penalties of perjury this ____ day of _____ 2017.

ABDUL R. BARAKAT, M.D.
for OCEAN STATE PAIN MANAGEMENT, PC

DATED: May 23, 2017

Respectfully Submitted by
Defense Counsel for Ocean State Pain Management, P.C:

/s/ Alysson M. Gray
ALYSSON M. GRAY
Reg. #9285
Capplis, Connors & Carroll, PC
18 Tremont Street - Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)

VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 23rd day of May 2017, I served this document through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY
Reg. #9285
Capplis, Connors & Carroll, PC
18 Tremont Street - Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

Exhibit F:
**Defense Counsel's Correspondence with Known
Deponents' Counsel**

CAPPLIS, CONNORS & CARROLL, PC
ATTORNEYS AT LAW

www.ccclaw.org

Sean E. Capplis • ^
Matthew R. Connors • *
Judith A. Carroll »
Jeffrey W. Colman
Sandra P. Wysocki Capplis
Mary Beth Connors •
Manasi Tulpule Tahlilani □
Thomas M. Dolan III
Jessica L. Cummings •
Alysson M. Gray ^
Allyson L. Gay
Jameson J. Pasek
Tarek R. Zatei
Christy Hepburn Teel

□ Admitted in California
* Admitted in Connecticut
• Admitted in New Hampshire
» Admitted in New York
^ Admitted Rhode Island

Of Counsel
Hon. Frances A. McIntyre (Ret.)

agray@ccclaw.org

May 3, 2017

Callan G. Stein, Esq.
One Beacon Street
Suite 1320
Boston, MA 02108-3106
cstein@dbslawfirm.com

RE: NECC Related Civil Litigation
RE: Patricia Schmiedeknecht, et al
VS: Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C.
Our File: 20J 4080

Dear Counsel:

My office represents Defendants Abdul Barakat and Ocean State Pain Management in the above-mentioned Rhode Island Superior Court civil matter. We intend to issue a subpoena for the deposition of **Barry Cadden** in the above-mentioned. We understand that you represent Mr. Cadden.

Per the Rhode Island Superior Court order, discovery will close in August. Please consider this our effort to discuss any issue regarding the deposition of your client. If you intend to oppose our efforts to depose your client, we will need to bring this matter before the appropriate Court with sufficient time to complete the deposition prior to the August deadline.

Please let us know by **May 15th** whether you will seek to oppose the deposition so we may file the appropriate motion. If, however, you do not intend to oppose the deposition, please send us June and July dates that will work for you and your client.

Finally, kindly inform our office if you will accept a subpoena on behalf of your client.

Please direct all correspondence to our Boston office

18 Tremont Street • Suite 330
Boston, MA 02108
Phone 617.227.0722 • Fax 617.227.0772

Court House Square
55 Pine Street • Providence, RI 02903
Phone 401.270.2111

Callan G. Stein, Esq.
Page Two
May 3, 2017

Thank you.

Very truly yours,


ALYSSON M. GRAY

AMG

cc: Frank Connor, esq.
Amato Deluca, esq.



May 3, 2017

Via First Class Mail

Alysson Gray
Capplis, Connors, & Carroll, PC
18 Tremont Street, Suite 330
Boston, MA 02108

Re: NECC Civil Litigation

Dear Alysson:

I am in receipt of your letter dated May 3, 2017, concerning your intent to issue a subpoena for the deposition of Mr. Cadden. We do intend to oppose any efforts to depose Mr. Cadden. As you may be aware, the issue of whether Mr. Cadden can be deposed in the various civil cases related to the NECC litigation was addressed at length in the multi-district litigation that has been ongoing in federal court in Boston. In that multi-district litigation, Judge Boal issued an Order on July 31, 2015, that barred Mr. Cadden's deposition in any civil case until the "resolution of the criminal charges" against him. Although Mr. Cadden's criminal trial has concluded, the criminal charges are far from resolved. Mr. Cadden has not yet been sentenced (and, thus, judgement has not yet even entered against him). The Court has yet to rule on Mr. Cadden's Motion for Judgement of Acquittal, or For a New Trial. And Mr. Cadden has not yet exercised any of his appeal rights. Based on these, and other, outstanding issues, as well as the Order issued by Judge Boal, we will continue to oppose any notice to take Mr. Cadden's deposition.

If you would like to discuss this matter further, I would be happy to do so. If you do intend to serve a subpoena, I will accept it on Mr. Cadden's behalf. Thank you for your attention to this matter.

Very truly yours,

Callan G. Stein

Donoghue Barrett & Singal
One Beacon Street, Suite 1320
Boston, MA 02108-3106
T 617.720.5090
F 617.720.5092
www.dbslawfirm.com

DONOGHUE
BARRETT
& SINGAL

Via First Class Mail

Alysson M. Gray, Esq.
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108

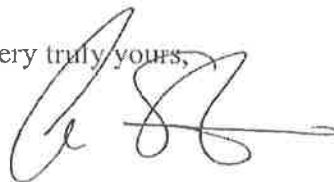
Re: Schmiedeknecht et al v. Barakat and Ocean State Pain Management, P.C.

Dear Attorney Gray:

With this letter, I am returning to you the witness fee check in the amount of \$7.00 that was issued to Barry Cadden for his appearance at a deposition. As we previously discussed on the telephone, we will be filing a Motion to Quash the deposition on behalf of Mr. Cadden.

If you have any questions, please feel free to contact me.

Very truly yours,



Callan G. Stein

Donoghue Barrett & Singal
One Beacon Street, Suite 1320
Boston, MA 02108-3106
T 617.720.5090
F 617.720.5092
www.dbslawfirm.com

CAPPLIS, CONNORS & CARROLL, PC
ATTORNEYS AT LAW

www.ccclaw.org

Sean E. Capplis • ^
Matthew R. Connors • *
Judith A. Carroll »
Jeffrey W. Colman
Sandra P. Wysocki Capplis
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Manasi Tulpule Tahiliani □
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Allyson L. Gay
Jameson J. Pasek
Tarek R. Zatet
Christy Hepburn Teel

□ Admitted in California
* Admitted in Connecticut
• Admitted in New Hampshire
» Admitted in New York
^ Admitted Rhode Island

Of Counsel
Hon. Frances A. McIntyre (Ret.)
agray@ccclaw.org

May 3, 2017

Drew Neville
Hartzog Conger Cason & Neville
201 Robert S. Kerr Avenue
Suite 1600 Oklahoma City, Oklahoma 73102
dneville@hartzoglaw.com

Stephen Elliott
Phillips Murrah, P.C.
101 North Robinson
13th Floor
Oklahoma City, Oklahoma 73102
swelliott@phillipsmurrah.com

RE: NECC Related Civil Litigation
RE: Patricia Schmiedeknecht, et al
VS: Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C.
Our File: 20J 4080

Dear Counsel:

My office represents Defendants Abdul Barakat and Ocean State Pain Management in the above-mentioned Rhode Island Superior Court civil matter. We intend to issue a subpoena for the deposition of **Tiffany Hyde, Tom Means, and a 30(b)(6) deposition of Analytical Research Laboratories (ARL)** in the above-mentioned. We understand that you represent these individuals and entity.

Per the Rhode Island Superior Court order, discovery will close in August. Please consider this our effort to discuss any issue regarding the deposition of your client. If you intend to oppose our efforts to depose your client, we will need to bring this matter before the appropriate Court with sufficient time to complete the deposition prior to the August deadline.

Please direct all correspondence to our Boston office

18 Tremont Street • Suite 330
Boston, MA 02108
Phone 617.227.0722 • Fax 617.227.0772

Court House Square
55 Pine Street • Providence, RI 02903
Phone 401.270.2111

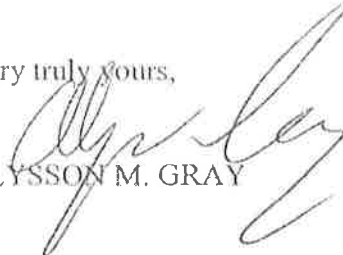
Drew Neville
Page Two
May 3, 2017

Please let us know by **May 12th** whether you will seek to oppose the deposition so we may file the appropriate motion. If, however, you do not intend to oppose the deposition, please send us June and July dates that will work for you and your client.

Finally, kindly inform our office if you will accept a subpoena on behalf of your clients.

Thank you.

Very truly yours,


ALYSSON M. GRAY

AMG

cc: Frank Connor, esq.
Amato Deluca, esq.



May 8, 2017

Alysson M. Gray
CAPPLIS, CONNORS & CARROLL, PC
18 Tremont Street, Suite 330
Boston, MA 02108

RE: Analytical Research Laboratories.

Dear Ms. Gray:

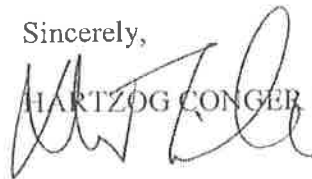
This letter will confirm that our firm represents Analytical Research Laboratories (ARL) in connection with NECC related matters.

Perhaps we are misinformed, but our understanding is that your clients should have been or were included in the multi-district litigation that paralleled the NECC bankruptcy proceedings. In those proceedings, ARL's Tommy Means was deposed at length on July 29, 2015, concerning testing of NECC products in which your client presumably had the opportunity to participate but apparently chose not to do so. Mr. Means' deposition transcript is available and absent prohibition in the bankruptcy proceeding we are happy to provide same to you in lieu of a deposition. Additionally, Means and Hyde both testified at considerable length in United States v. Cadden, and I'm sure transcripts could be obtained.

ARL is a small research and testing facility located in Oklahoma City. ARL has been interviewed on numerous occasions by various federal agencies and has been deposed and testified at considerable length. Its testing procedures and methodologies are now a matter of public record. Further depositions are burdensome and we suggest unnecessary.

I am authorized to accept service of subpoenas for Mr. Means and Ms. Hyde. Hopefully this will not be necessary.

Sincerely,



HARTZOG CONGER CASON & NEVILLE

Drew Neville

DN:gmb
cc: Ken Walton

LAW OFFICES
OF
GREGORY J. SCHADONE, LTD.
7 WATERMAN AVENUE
NORTH PROVIDENCE, RHODE ISLAND 02911

TELEPHONE (401) 232-4000
FACSIMILE (401) 232-2555

GREGORY J. SCHADONE* †
DAVID A. URSILIO**
* ALSO ADMITTED IN MA
† ALSO ADMITTED IN CT
** ALSO ADMITTED IN SC

May 29, 2017

Capplis Connors & Carroll, PC
Attn.: Alysson Gray
55 Pine Street, 2nd Floor
Providence, RI 02903

Amato A. DeLuca
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Re: *Schmiedeknecht et al v. Barakat et al*
CA #: *PC-2013-3207*
Subpoena of John Notarianni, Jr.

Dear Counsel:

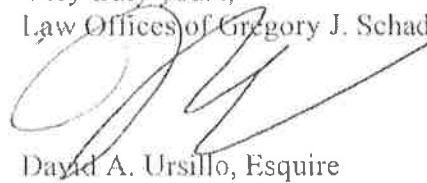
This office represents Mr. Notarianni with respect to the subpoena issued upon him to testify on August 2, 2017. With respect to this subpoena, Mr. Notarianni will be on vacation and not in the country on that date. We would ask for a continuance to a new date or to contact us first with dates you have available so that we can coordinate it with Mr. Notarianni.

However, before we moved forward on such re-scheduling or appearing, we wanted to bring to both of your attention that Mr. Notarianni plans to exercise his 5th Amendment rights and does not plan to answer any questions. We have concerns regarding the scope and breadth of the questions to him.

These questions could potentially call for answers which may be considered self incriminating. So long as there is any possibility that the facts and circumstances regarding this matter may still result in criminal investigations, Mr. Notarianni does not wish to provide any answers.

We would rather inform you two of this issue now as opposed to appearing for a deposition and wasting everyone's time. I would ask that you contact me as to how you wish to proceed.

Very truly yours,
Law Offices of Gregory J. Schadone, Ltd.

A handwritten signature in black ink, appearing to read 'DAU', is written over the typed name of David A. Ursillo.

David A. Ursillo, Esquire

DAU/

CAPPLIS, CONNORS & CARROLL, PC
ATTORNEYS AT LAW

www.ccclaw.org

Sean E. Capplis • ^
Matthew R. Connors • *
Judith A. Carroll »
Jeffrey W. Colman
Sandra P. Wysocki Capplis
Mary Beth Connors •
Manasi Tulpule Tahlilani □
Thomas M. Dolan III
Jessica L. Cummings •
Alysson M. Gray ^
Allyson L. Gay
Jameson J. Pasek
Tarek R. Zatet
Christy Hepburn Teel

□ Admitted in California
* Admitted in Connecticut
• Admitted in New Hampshire
» Admitted in New York
^ Admitted Rhode Island

Of Counsel
Hon. Frances A. McIntyre (Ret.)

agray@ccclaw.org

May 3, 2017

Dennis R. Brown
869 Concord Street
Framingham, MA 01701
dennis@drblaw.com

RE: NECC Related Civil Litigation
RE: Patricia Schmiedeknecht, et al
VS: Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C.
Our File: 20J 4080

Dear Counsel:

My office represents Defendants Abdul Barakat and Ocean State Pain Management in the above-mentioned Rhode Island Superior Court civil matter. We intend to issue a subpoena for the deposition of **Owen Finnigan** in the above-mentioned. We understand that you represent Mr. Finnigan.

Per the Rhode Island Superior Court order, discovery will close in August. Please consider this our effort to discuss any issue regarding the deposition of your client. If you intend to oppose our efforts to depose your client, we will need to bring this matter before the appropriate Court with sufficient time to complete the deposition prior to the August deadline.

Please let us know by **May 12th** whether you will seek to oppose the deposition so we may file the appropriate motion. If, however, you do not intend to oppose the deposition, please send us June and July dates that will work for you and your client.

Finally, kindly inform our office if you will accept a subpoena on behalf of your client.

Please direct all correspondence to our Boston office

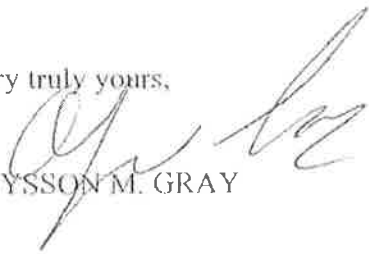
18 Tremont Street • Suite 330
Boston, MA 02108
Phone 617.227.0722 • Fax 617.227.0772

Court House Square
55 Pine Street • Providence, RI 02903
Phone 401.270.2111

Dennis R. Brown
Page Two
May 3, 2017

Thank you.

Very truly yours,



ALYSSON M. GRAY

AMG

cc: Frank Connor, esq.
Amato Deluca, esq.

DENNIS R. BROWN, P.C.

ATTORNEYS AT LAW

DENNIS R. BROWN

EMAIL: dennis@drblaw.com

869 CONCORD STREET • FRAMINGHAM, MA 01701

TEL. (508) 879-6300

FAX (781) 237-8906

BY APPOINTMENT

12 WASHINGTON STREET

WELLESLEY, MA 02481

May 10, 2017

Via E-Mail Transmission

and First Class Mail:

agray@cccclaw.org

Attorney Alysson M. Gray
Capplis, Connors & Carroll, P.C.
Court House Square
55 Pine Street
Providence, RI 02903

RE: NECC CIVIL LITIGATION

PATRICIA SCHMIEDEKNECHT, ET AL

v.

ABDUL R. BARAKAT, M.D. and OCEAN STATE PAIN MANAGEMENT, P.C.

YOUR FILE #: 20J 4080

Dear Attorney Gray:

I am in receipt of your correspondence dated May 3, 2017 in connection with the above-referenced matter and respond as follows.

Please be advised that my client, Owen Finnegan, will not be available for his deposition.

Mr. Finnegan continues to assert his Fifth Amendment privilege and will not be testifying beyond anything he said during the criminal trial proceedings. As you know, a transcript of those proceedings is available. I respectfully suggest you avail yourself of a copy of that transcript.

Please contact me for further discussion on this matter.

Thank you.

Very truly yours,



Dennis R. Brown

DRB/ks

cc: Client

ref: M:\Doc\owenfinnegan.wpd\79

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Of Counsel
Hon. Frances A. McIntyre (Ret.)

agray@ccclaw.org

May 3, 2017

Karen Pickett
22 Batterymarch Street,
4th Floor
Boston, Massachusetts 02109
kpickett@pickettlegal.com

RE: NECC Related Civil Litigation
RE: Patricia Schmiedeknecht, et al
VS: Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C.
Our File: 20J 4080

Dear Counsel:

My office represents Defendants Abdul Barakat and Ocean State Pain Management in the above-mentioned Rhode Island Superior Court civil matter. We intend to issue a subpoena for the deposition of **Mario Giamei** in the above-mentioned. We understand that you represent Mr. Giamei.

Per the Rhode Island Superior Court order, discovery will close in August. Please consider this our effort to discuss any issue regarding the deposition of your client. If you intend to oppose our efforts to depose your client, we will need to bring this matter before the appropriate Court with sufficient time to complete the deposition prior to the August deadline.

Please let us know by **May 12th** whether you will seek to oppose the deposition so we may file the appropriate motion. If, however, you do not intend to oppose the deposition, please send us June and July dates that will work for you and your client.

Finally, kindly inform our office if you will accept a subpoena on behalf of your client.

Please direct all correspondence to our Boston office

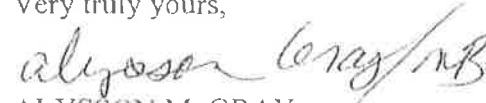
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Phone 617.227.0722 • Fax 617.227.0772

Court House Square
55 Pine Street • Providence, RI 02903
Phone 401.270.2111

Karen Pickett
Page Two
May 3, 2017

Thank you.

Very truly yours,

A handwritten signature in cursive script, appearing to read "alysson gray/NB".

ALYSSON M. GRAY

AMG

cc: Frank Connor, esq.
Amato DeLuca, esq.

Alysson Gray

From: kpickett@pickettlegal.com
Sent: Wednesday, May 10, 2017 12:17 PM
To: Matt H. Cline
Cc: Kent Krause; 'gkirby@pklaw.com'; Tom Dolan; Tony Abeln (AAbeln@morrisonmahoney.com); Harlow, Candice; Theodore, Ashley; John Moran (john.moran@leclairryan.com); Chris J. Tardio; Alysson Gray
Subject: Re: NECC Civil Case

Follow Up Flag: Flag for follow up
Flag Status: Completed

I am writing in response to letters directed to be by Matt Cline and Allyson Gray on May 1 and May 3, 2017 respectively.

I will not accept service of any subpoena on behalf of Mr. Giamei, and believe any attempts to subpoena him would violate the MDL deposition protocol, and in particular paragraphs A, C and E. (Document 1426).

Mr. Giamei has already been deposed in a videotaped deposition in November 2015, and was required to answer question by question even though it was already understood that he would assert his Fifth Amendment protections.

Contrary to Mr. Cline's assertion, Mr. Giamei has not "waived" these protections at all. His recent testimony in the federal criminal trial was compelled by a use immunity order. This order does not extend to any other proceeding, including the civil proceedings. Use immunity affords no protection there. See, e.g., *In Re Corrugated Container Antitrust Litigation*, 661 F.2d 1145 (7th Cir. 1977).

If Mr. Giamei is served a subpoena again, I intend to ask the court for all costs and attorneys' fees incurred in responding to any such subpoena.

Karen A. Pickett, Esq.

Pickett Law Offices, P.C.

125 High Street, 26th Floor

Boston, MA 02110

617.423.0485

www.pickettlegal.com

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□ Admitted in California
* Admitted in Connecticut
• Admitted in New Hampshire
» Admitted in New York
^ Admitted Rhode Island

Of Counsel
Hon. Frances A. McIntyre (Ret.)

agray@ccclaw.org

May 3, 2017

Frederick H. Fern
Jessica Saunders Eichel
Judi Abbott Curry
Alan M. Winchester
Harris Beach, PLLC
100 Wall St
New York, NY 10005
212-687-0659
jcurry@harrisbeach.com
hbnecc@harrisbeach.com

RE: NECC Related Civil Litigation
RE: Patricia Schmiedeknecht, et al
VS: Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C.
Our File: 20J 4080

Dear Counsel:

My office represents Defendants Abdul Barakat and Ocean State Pain Management in the above-mentioned Rhode Island Superior Court civil matter. We intend to issue a subpoena for the deposition of former NECC employees **Kenneth Boneau, Nicholas Booth, Derek Carvalho, Joseph Connolly, Beth Reynolds** in the above-mentioned. We understand that you represent the New England Compounding Pharmacy in the MDL civil litigation.

Per the Rhode Island Superior Court order, discovery will close in August. Please consider this our effort to discuss any issue regarding the deposition of your client. If you intend to oppose our efforts to depose your client, we will need to bring this matter before the appropriate Court with sufficient time to complete the deposition prior to the August deadline.

Please direct all correspondence to our Boston office

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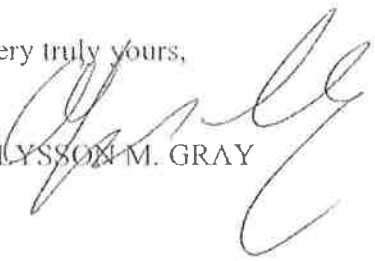
Frederick H. Fern
Page Two
May 3, 2017

Please let us know by **May 12th** whether you will seek to oppose the deposition so we may file the appropriate motion. If, however, you do not intend to oppose the deposition, please send us June and July dates that will work for you and your client.

Finally, kindly inform our office if you will accept a subpoena on behalf of your clients.

Thank you.

Very truly yours,



ALYSSON M. GRAY

AMG

cc: Frank Connor, esq.
Amato Deluca, esq.

HARRIS BEACH PLLC
ATTORNEYS AT LAW

100 WALL STREET
NEW YORK, NY 10005
(212) 687-0100

FREDERICK H. FERN

DIRECT: (212) 313-5402
FAX: (212) 687-0659
FFERN@HARRISBEACH.COM

May 9, 2017

Via E-Mail: agray@ccclaw.org

Alysson M. Gray
Capplis, Connors & Carroll, PC
18 Tremont Street, Suite 330
Boston, MA 02108

RE: NECC Related Civil Litigation
Schmiedeknecht, et al. v. Abdul R. Barakat, MD and Ocean State Pain
Management, PC
Your File No.: 20J 4080

Dear Ms. Gray:

Confirming our recent conversation, neither myself nor Harris Beach represent NECC nor have we for many years. I have represented the Trustee in NECC's Bankruptcy and subsequently the appointed Post-Confirmation Officer of the reorganized NECC.

Per your letter that you propose to depose the identified former employees NECC, I no longer represent either the bankrupt entity or the identified individuals. I suggest that you contact the individuals directly or their counsel, though I cannot identify who, if anyone, has been designated to represent the six individuals identified in your May 3, 2017 letter. As advised, Mr. Connolly recently testified at the criminal trial of Barry Cadden, and he should be represented by counsel in Boston. I am not aware that the other five individuals were ever represented by counsel, as I do not recognize them or their roles at the former NECC. Obviously, not representing the individuals, I cannot consent to accept a subpoena on their behalf. Good luck.

Very truly yours,



Frederick H. Fern

FHF:jljg

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□ Admitted in California
* Admitted in Connecticut
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» Admitted in New York
^ Admitted Rhode Island

Of Counsel
Hon. Frances A. McIntyre (Ret.)

agray@ccclaw.org

May 9, 2017

Raymond Sayeg Jr,
Krattenmaker O'Connor & Ingber, PC
Fifth Floor
One McKinley Square
Boston, MA 02109
rsayeg@koilaw.org

RE: NECC Related Civil Litigation
RE: Patricia Schmiedeknecht, et al
VS: Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C.
Our File: 20J 4080

Dear Counsel:

My office represents Defendants Abdul Barakat and Ocean State Pain Management in the above-mentioned Rhode Island Superior Court civil matter. We intend to issue a subpoena for the deposition of former NECC employees **Joseph Connolly** in the above-mentioned. We understand that you represent him.

Per the Rhode Island Superior Court order, discovery will close in August. Please consider this our effort to discuss any issue regarding the deposition of your client. If you intend to oppose our efforts to depose your client, we will need to bring this matter before the appropriate Court with sufficient time to complete the deposition prior to the August deadline.

Please direct all correspondence to our Boston office

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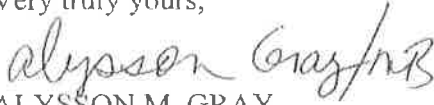
Raymond Sayegm Jr,
Page Two
May 9, 2017

Please let us know whether you will seek to oppose the deposition so we may file the appropriate motion. If, however, you do not intend to oppose the deposition, please send us June and July dates that will work for you and your client.

Finally, kindly inform our office if you will accept a subpoena on behalf of your clients.

Thank you.

Very truly yours,


ALYSSON M. GRAY

AMG

cc: Frank Connor, esq.
Amato Deluca, esq.

Alysson Gray

From: Raymond Sayeg Jr <rsayeg@koilaw.com>
Sent: Tuesday, May 09, 2017 12:58 PM
To: Michelle Baldwin
Cc: Alysson Gray
Subject: RE: NECC Litigation

Ms. Baldwin,

Please be advised that neither I nor my office has ever represented Joseph Connolly in the NECC matter.

Thank you,

-Raymond Sayeg

From: Michelle Baldwin [mailto:mbaldwin@ccclaw.org]
Sent: Tuesday, May 09, 2017 12:54 PM
To: Raymond Sayeg Jr <rsayeg@koilaw.com>
Cc: Alysson Gray <agray@ccclaw.org>
Subject: NECC Litigation

Dear Atty Sayeg: Please see attached. Thank you.

Michelle Baldwin, Legal Assistant
Caplis, Connors & Carroll PC
18 Tremont Street, Suite 330
Boston, MA 02108
T: 617-227-0722
F: 617-227-0772

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Judith A. Carroll »
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Christy Hepburn Teel

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• Admitted in New Hampshire
» Admitted in New York
^ Admitted Rhode Island

Of Counsel
Hon. Frances A. McIntyre (Ret.)

agray@ccclaw.org

May 3, 2017

Peter C. Horstmann
Law Offices of Peter Charles Horstmann
450 Lexington St.
Suite 101
Newton, MA 02466

Frank A. Libby, Jr.
LibbyHoopes, P.C.
399 Boylston Street
Suite 200
Boston, MA 02116
falibby@libbyhoopes.com

RE: NECC Related Civil Litigation
RE: Patricia Schmiedeknecht, et al
VS: Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C.
Our File: 20J 4080

Dear Counsel:

My office represents Defendants Abdul Barakat and Ocean State Pain Management in the above-mentioned Rhode Island Superior Court civil matter. We intend to issue a subpoena for the deposition of **Robert Ronzio** in the above-mentioned. We understand that you represent Mr. Ronzio.

Per the Rhode Island Superior Court order, discovery will close in August. Please consider this our effort to discuss any issue regarding the deposition of your client. If you intend to oppose our efforts to depose your client, we will need to bring this matter before the appropriate Court with sufficient time to complete the deposition prior to the August deadline.

Please direct all correspondence to our Boston office

18 Tremont Street • Suite 330
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Phone 617.227.0722 • Fax 617.227.0772

Court House Square
55 Pine Street • Providence, RI 02903
Phone 401.270.2111

Peter C. Horstmann
Page Two
May 3, 2017

Please let us know by **May 12th** whether you will seek to oppose the deposition so we may file the appropriate motion. If, however, you do not intend to oppose the deposition, please send us June and July dates that will work for you and your client.

Finally, kindly inform our office if you will accept a subpoena on behalf of your client.

Thank you.

Very truly yours,



ALYSSON M. GRAY

AMG

cc: Frank Connor, esq.
Amato Deluca, esq.

Alysson Gray

From: Frank Libby <falibby@libbyhoopes.com>
Sent: Wednesday, May 03, 2017 1:39 PM
To: Michelle Baldwin; pete@horstmannlaw.com; Alysson Gray
Cc: Frank Libby
Subject: RE: NECC Litigation

Dear Ms. Baldwin: Please be advised that your letter, insofar as it was addressed to me, was sent in error: Neither my firm nor I represent Mr. Ronzio in connection with any matter.

Thank you,
Frank Libby

From: Michelle Baldwin [mailto:mbaldwin@ccclaw.org]
Sent: Wednesday, May 03, 2017 10:06 AM
To: pete@horstmannlaw.com; Frank Libby; Alysson Gray
Subject: NECC Litigation

Dear Attys Horstmann and Libby: Please see attached. Thank you.

Michelle Baldwin, Legal Assistant
Caplis, Connors & Carroll PC
18 Tremont Street, Suite 330
Boston, MA 02108
T: 617-227-0722
F: 617-227-0772

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^ Admitted Rhode Island

Of Counsel
Hon. Frances A. McIntyre (Ret.)

agray@ccclaw.org

May 3, 2017

Robert M. Bracerias, Esq.
Laura Najemy, Esq.
James C. Rehnquist, Esq.
53 State St.
Exchange Place
Boston, MA 02109
rbracerias@goodwinprocter.com

RE: NECC Related Civil Litigation
RE: Patricia Schmiedeknecht, et al
VS: Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C.
Our File: 20J 4080

Dear Counsel:

My office represents Defendants Abdul Barakat and Ocean State Pain Management in the above-mentioned Rhode Island Superior Court civil matter. We intend to issue a subpoena for the deposition of **Edgardo Camacho, Edwin Cardona, Suneela Mistry, and a 30(b)(6) of UniFirst Corporation a/d/b/a/ UniClean Cleanroom Services** in the above-mentioned. We understand that you represent these individuals and entity.

Per the Rhode Island Superior Court order, discovery will close in August. Please consider this our effort to discuss any issue regarding the deposition of your client. If you intend to oppose our efforts to depose your client, we will need to bring this matter before the appropriate Court with sufficient time to complete the deposition prior to the August deadline.

Please let us know by **May 12th** whether you will seek to oppose the deposition so we may file the appropriate motion. If, however, you do not intend to oppose the deposition, please send us June and July dates that will work for you and your client.

Please direct all correspondence to our Boston office

18 Tremont Street • Suite 330
Boston, MA 02108
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Court House Square
55 Pine Street • Providence, RI 02903
Phone 401.270.2111

Robert M. Braceras, Esq.
Page Two
May 3, 2017

Finally, kindly inform our office if you will accept a subpoena on behalf of your clients.

Thank you.

Very truly yours,


ALYSSON M. GRAY

AMG
cc: Frank Connor, esq.
Amato Deluca, esq.

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Of Counsel
Hon. Frances A. McIntyre (Ret.)

agray@ccclaw.org

May 3, 2017

Thomas DiGangi, Esq.
Beth Oldmixon, Esq.
One Ashburn Place, 18th Floor
Boston, MA 02108
tom.digangi@state.ma.us

RE: NECC Related Civil Litigation
RE: Patricia Schmiedeknecht, et al
VS: Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C.
Our File: 20J 4080

Dear Counsel:

My office represents Defendants Abdul Barakat and Ocean State Pain Management in the above-mentioned Rhode Island Superior Court civil matter. We intend to issue a subpoena for the deposition of **Samuel Penta** in the above-mentioned. We understand that you represent Mr. Penta.

Per the Rhode Island Superior Court order, discovery will close in August. Please consider this our effort to discuss any issue regarding the deposition of your client. If you intend to oppose our efforts to depose your client, we will need to bring this matter before the appropriate Court with sufficient time to complete the deposition prior to the August deadline.

Please let us know by **May 12th** whether you will seek to oppose the deposition so we may file the appropriate motion. If, however, you do not intend to oppose the deposition, please send us June and July dates that will work for you and your client.

Finally, kindly inform our office if you will accept a subpoena on behalf of your client.

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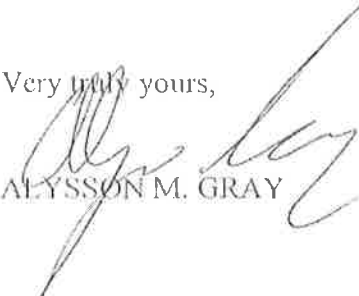
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Thomas DiGangi, Esq.
Page Two
May 3, 2017

Thank you.

Very truly yours,


ALYSSON M. GRAY

AMG

cc: Frank Connor, esq.
Amato Deluca, esq.

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» Admitted in New York
^ Admitted Rhode Island

Of Counsel
Hon. Frances A. McIntyre (Ret.)

agray@ccclaw.org

May 3, 2017

William Connolly
20 Park Plaza, Suite 1000
Boston, Massachusetts 02116
whc@williamconnollylaw.com

RE: NECC Related Civil Litigation
RE: Patricia Schmiedeknecht, et al
VS: Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C.
Our File: 20J 4080

Dear Counsel:

My office represents Defendants Abdul Barakat and Ocean State Pain Management in the above-mentioned Rhode Island Superior Court civil matter. We intend to issue a subpoena for the deposition of **Cory Fletcher** in the above-mentioned. We understand that you represent Mr. Fletcher.

Per the Rhode Island Superior Court order, discovery will close in August. Please consider this our effort to discuss any issue regarding the deposition of your client. If you intend to oppose our efforts to depose your client, we will need to bring this matter before the appropriate Court with sufficient time to complete the deposition prior to the August deadline.

Please let us know by **May 12th** whether you will seek to oppose the deposition so we may file the appropriate motion. If, however, you do not intend to oppose the deposition, please send us June and July dates that will work for you and your client.

Finally, kindly inform our office if you will accept a subpoena on behalf of your client.

Please direct all correspondence to our Boston office

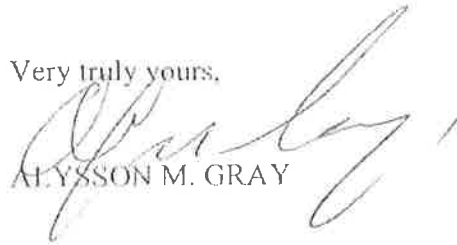
18 Tremont Street • Suite 330
Boston, MA 02108
Phone 617.227.0722 • Fax 617.227.0772

Court House Square
55 Pine Street • Providence, RI 02903
Phone 401.270.2111

William Connolly
Page Two
May 3, 2017

Thank you.

Very truly yours,



ALYSSON M. GRAY

AMG

cc: Frank Connor, esq.
Amato Deluca, esq.

CAPPLIS, CONNORS & CARROLL, PC
ATTORNEYS AT LAW

www.ccclaw.org

Sean E. Capplis • ^
Matthew R. Connors • *
Judith A. Carroll »
Jeffrey W. Colman
Sandra P. Wysocki Capplis
Mary Beth Connors •
Manasi Tulpule Tahiliani □
Thomas M. Dolan III
Jessica L. Cummings •
Alysson M. Gray ^
Allyson L. Gay
Jameson J. Pasek
Tarek R. Zatet
Christy Hepburn Teel

□ Admitted in California
* Admitted in Connecticut
■ Admitted in New Hampshire
» Admitted in New York
^ Admitted Rhode Island

Of Counsel
Hon. Frances A. McIntyre (Ret.)

agray@ccclaw.org

May 3, 2017

Allison O'Neil, Esquire
Locke Lord, LLP
111 Huntington Avenue
Boston, Massachusetts 02199
allison.oneil@lockelord.com

RE: NECC Related Civil Litigation
RE: Patricia Schmiedeknecht, et al
VS: Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C.
Our File: 20J 4080

Dear Counsel:

My office represents Defendants Abdul Barakat and Ocean State Pain Management in the above-mentioned Rhode Island Superior Court civil matter. We intend to issue a subpoena for the deposition of **Annette Robinson** in the above-mentioned. We understand that you represent Ms. Robinson.

Per the Rhode Island Superior Court order, discovery will close in August. Please consider this our effort to discuss any issue regarding the deposition of your client. If you intend to oppose our efforts to depose your client, we will need to bring this matter before the appropriate Court with sufficient time to complete the deposition prior to the August deadline.

Please let us know by **May 12th** whether you will seek to oppose the deposition so we may file the appropriate motion. If, however, you do not intend to oppose the deposition, please send us June and July dates that will work for you and your client.

Finally, kindly inform our office if you will accept a subpoena on behalf of your client.

Please direct all correspondence to our Boston office

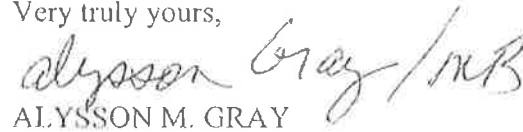
18 Tremont Street • Suite 330
Boston, MA 02108
Phone 617.227.0722 • Fax 617.227.0772

Court House Square
55 Pine Street • Providence, RI 02903
Phone 401.270.2111

Allison O'Neil, Esquire
Page Two
May 3, 2017

Thank you.

Very truly yours,

A handwritten signature in cursive script that reads "Alysson Gray / MB". The signature is written in dark ink and is positioned above the printed name.

ALYSSON M. GRAY

AMG

cc: Frank Connor, Esq.
Amato Deluca, Esq.

Exhibit G:
Defendants' Motions for the Issuance of
Commissions Heard before Judge Keough in
Providence Superior Court

Hearing Date: May 25, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)

VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

**DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE
DEPOSITION IN MASSACHUSETTS OF WITNESS (MARIO GIAMEI, JR.)**

The Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, PC., hereby humbly requests that this Honorable Court, pursuant to Rule 28(b) of the Rhode Island Superior Court Rules of Civil Procedure, for an Order directing that a Commission of this Court issue which authorizes a Notary Public or any person authorized to hear testimony in the **State of Massachusetts** to hear the deposition of **Mario Giamei, Jr** (86 Boston Road, Sutton, MA 01590) and cause the deposition to be signed under oath or affirmed under local law by the deponent and certify and return the same to the clerk of this Court. Such testimony is expected to be transcribed for use at trial. Copies of the Proposed Order, Commission, Subpoena, and Notice for Deposition are attached as Exhibits, A, B, and C.

Respectfully submitted
For the defendants,

/s/ Alysson M. Gray

SEAN E. CAPPLIS, Reg. # 8174
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
scapplis@ccclaw.org
agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 9th day of May 2017, I served and filed the following document:

*DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE DEPOSITION IN
MASSACHUSETTS OF WITNESS (MARIO GIAMEI, JR.)*

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

Hearing Date: May 25, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

**DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE
DEPOSITION IN MASSACHUSETTS OF WITNESS (OWEN FINNIGAN)**

The Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, PC., hereby humbly requests that this Honorable Court, pursuant to Rule 28(b) of the Rhode Island Superior Court Rules of Civil Procedure, for an Order directing that a Commission of this Court issue which authorizes a Notary Public or any person authorized to hear testimony in the **State of Massachusetts** to hear the deposition of **Owen Finnigan** (2 Heritage Road, Dracut, MA 01826) and cause the deposition to be signed under oath or affirmed under local law by the deponent and certify and return the same to the clerk of this Court. Such testimony is expected to be transcribed for use at trial. Copies of the Proposed Order, Commission, Subpoena, and Notice for Deposition are attached as Exhibits, A, B, and C.

Respectfully submitted
For the defendants,

/s/ Alysson M. Gray

SEAN E. CAPPLIS, Reg. # 8174
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
scapplis@ccclaw.org
agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 9th day of May 2017, I served and filed the following document:

*DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE DEPOSITION IN
MASSACHUSETTS OF WITNESS (OWEN FINNIGAN)*

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

Hearing Date: May 25, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

**DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE
DEPOSITION IN MASSACHUSETTS OF WITNESS (ANNETTE ROBINSON)**

The Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, PC., hereby humbly requests that this Honorable Court, pursuant to Rule 28(b) of the Rhode Island Superior Court Rules of Civil Procedure, for an Order directing that a Commission of this Court issue which authorizes a Notary Public or any person authorized to hear testimony in the **State of Massachusetts** to hear the deposition of **Annette Robinson** (3 Auciello Drive, Hopkinton, MA 01748) and cause the deposition to be signed under oath or affirmed under local law by the deponent and certify and return the same to the clerk of this Court. Such testimony is expected to be transcribed for use at trial. Copies of the Proposed Order, Commission, Subpoena, and Notice for Deposition are attached as Exhibits, A, B, and C.

Respectfully submitted
For the defendants,

/s/ Alysson M. Gray
SEAN E. CAPPLIS, Reg. # 8174
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
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agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)

VS.)

ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 9 day of May 2017, I served and filed the following document:

*DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE DEPOSITION IN
MASSACHUSETTS OF WITNESS (ANNETTE ROBINSON)*

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

Hearing Date: May 25, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE 30(b)(6)
DEPOSITION IN OKLAHOMA OF ANALYTICAL RESEARCH LABORATORIES

The Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, PC., hereby humbly requests that this Honorable Court, pursuant to Rule 28(b) of the Rhode Island Superior Court Rules of Civil Procedure, for an Order directing that a Commission of this Court issue which authorizes a Notary Public or any person authorized to hear testimony in the **State of Oklahoma** to hear the 30(b)(6) deposition of **Analytical Research Laboratories** and cause the deposition to be signed under oath or affirmed under local law by the deponent and certify and return the same to the clerk of this Court. Such testimony is expected to be transcribed for use at trial. Copies of the Proposed Order, Commission, Subpoena, and Notice for Deposition are attached as Exhibits, A, B, and C.

Respectfully submitted
For the defendants,

/s/ Alysson M. Gray

SEAN E. CAPPLIS, Reg. # 8174
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
scapplis@ccclaw.org
agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 9th day of May 2017, I served and filed the following document:

*DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE 30(b)(6)
DEPOSITION IN OKLAHOMA OF ANALYTICAL RESEARCH LABORATORIES*

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

Hearing Date: May 25, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE
DEPOSITION IN MASSACHUSETTS OF WITNESS (BARRY CADDEN)

The Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, PC., hereby humbly requests that this Honorable Court, pursuant to Rule 28(b) of the Rhode Island Superior Court Rules of Civil Procedure, for an Order directing that a Commission of this Court issue which authorizes a Notary Public or any person authorized to hear testimony in the **State of Massachusetts** to hear the deposition of **Barry Cadden** and cause the deposition to be signed under oath or affirmed under local law by the deponent and certify and return the same to the clerk of this Court. Such testimony is expected to be transcribed for use at trial. Copies of the Proposed Order, Commission, Subpoena, and Notice for Deposition are attached as Exhibits, A, B, and C.

Respectfully submitted
For the defendants,

/s/ Alysson M. Gray

SEAN E. CAPPLIS, Reg. # 8174
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
scapplis@ccclaw.org
agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 9th day of May 2017, I served and filed the following document:

*DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE DEPOSITION IN
MASSACHUSETTS OF WITNESS (BARRY CADDEN)*

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

Hearing Date: May 25, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

**DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE
DEPOSITION IN NEW YORK OF WITNESS (CORY FLETCHER)**

The Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, PC., hereby humbly requests that this Honorable Court, pursuant to Rule 28(b) of the Rhode Island Superior Court Rules of Civil Procedure, for an Order directing that a Commission of this Court issue which authorizes a Notary Public or any person authorized to hear testimony in the **State of New York** to hear the deposition of **Cory Fletcher** (197 Saint Marys Ave., Clinton, NY 13323) and cause the deposition to be signed under oath or affirmed under local law by the deponent and certify and return the same to the clerk of this Court. Such testimony is expected to be transcribed for use at trial. Copies of the Proposed Order, Commission, Subpoena, and Notice for Deposition are attached as Exhibits, A, B, and C.

Respectfully submitted
For the defendants,

/s/ Alysson M. Gray

SEAN E. CAPPLIS, Reg. # 8174
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
scapplis@ccclaw.org
agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 9th day of May 2017, I served and filed the following document:

*DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE DEPOSITION IN
NEW YORK OF WITNESS (CORY FLETCHER)*

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

Hearing Date: May 25, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

**DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE
DEPOSITION IN MASSACHUSETTS OF WITNESS (EDGARDO CAMACHO)**

The Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, PC., hereby humbly requests that this Honorable Court, pursuant to Rule 28(b) of the Rhode Island Superior Court Rules of Civil Procedure, for an Order directing that a Commission of this Court issue which authorizes a Notary Public or any person authorized to hear testimony in the **State of Massachusetts** to hear the deposition of **Edgardo Camacho (UniClean, Nashua, NH)** and cause the deposition to be signed under oath or affirmed under local law by the deponent and certify and return the same to the clerk of this Court. Such testimony is expected to be transcribed for use at trial. Copies of the Proposed Order, Commission, Subpoena, and Notice for Deposition are attached as Exhibits, A, B, and C.

Respectfully submitted
For the defendants,

/s/ Alysson M. Gray

SEAN E. CAPPLIS, Reg. # 8174
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
scapplis@ccclaw.org
agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 9th day of May 2017, I served and filed the following document:

DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE DEPOSITION IN MASSACHUSETTS OF WITNESS (EDGARDO CAMACHO)

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

Hearing Date: May 25, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

**DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE
DEPOSITION IN MASSACHUSETTS OF WITNESS (EDWIN CARDONA)**

The Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, PC., hereby humbly requests that this Honorable Court, pursuant to Rule 28(b) of the Rhode Island Superior Court Rules of Civil Procedure, for an Order directing that a Commission of this Court issue which authorizes a Notary Public or any person authorized to hear testimony in the **State of Massachusetts** to hear the deposition of **Edwin Cardona (UniClean, Nashua, NH)** and cause the deposition to be signed under oath or affirmed under local law by the deponent and certify and return the same to the clerk of this Court. Such testimony is expected to be transcribed for use at trial. Copies of the Proposed Order, Commission, Subpoena, and Notice for Deposition are attached as Exhibits, A, B, and C.

Respectfully submitted
For the defendants,

/s/ Alysson M. Gray

SEAN E. CAPPLIS, Reg. # 8174
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
scapplis@ccclaw.org
agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)

VS.)

ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 9th day of May 2017, I served and filed the following document:

*DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE DEPOSITION IN
MASSACHUSETTS OF WITNESS (EDWIN CARDONA)*

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

Hearing Date: May 25, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)

VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE
DEPOSITION IN NEW JERSEY OF WITNESS (ERIC KASTANGO)

The Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, PC., hereby humbly requests that this Honorable Court, pursuant to Rule 28(b) of the Rhode Island Superior Court Rules of Civil Procedure, for an Order directing that a Commission of this Court issue which authorizes a Notary Public or any person authorized to hear testimony in the **State of New Jersey** to hear the deposition of **Eric Kastango** (Clinical IQ, LLC, Florham Park, NJ) and cause the deposition to be signed under oath or affirmed under local law by the deponent and certify and return the same to the clerk of this Court. Such testimony is expected to be transcribed for use at trial. Copies of the Proposed Order, Commission, Subpoena, and Notice for Deposition are attached as Exhibits, A, B, and C.

Respectfully submitted
For the defendants,

/s/ Alysson M. Gray

SEAN E. CAPPLIS, Reg. # 8174
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
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agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 9th day of May 2017, I served and filed the following document:

*DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE DEPOSITION IN
NEW JERSEY OF WITNESS (ERIC KASTANGO)*

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

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Signed under the pains and penalties of perjury.

Alysson M. Gray
ALYSSON M. GRAY

Hearing Date: May 25, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE 30(b)(6)
DEPOSITION IN MASSACHUSETTS OF THE FOOD AND DRUG ADMINISTRATION

The Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, PC., hereby humbly requests that this Honorable Court, pursuant to Rule 28(b) of the Rhode Island Superior Court Rules of Civil Procedure, for an Order directing that a Commission of this Court issue which authorizes a Notary Public or any person authorized to hear testimony in the **State of Massachusetts** to hear the 30(b)(6) deposition of **Food and Drug Administration** and cause the deposition to be signed under oath or affirmed under local law by the deponent and certify and return the same to the clerk of this Court. Such testimony is expected to be transcribed for use at trial. Copies of the Proposed Order, Commission, Subpoena, and Notice for Deposition are attached as Exhibits, A, B, and C.

Respectfully submitted
For the defendants,

/s/ Alysson M. Gray

SEAN E. CAPPLIS, Reg. # 8174
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
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agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)

VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 9th day of May 2017, I served and filed the following document:

*DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE 30(b)(6)
DEPOSITION IN MASSACHUSETTS OF THE FOOD AND DRUG ADMINISTRATION*

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

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Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

Hearing Date: May 25, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE
DEPOSITION IN MASSACHUSETTS OF WITNESS (FRANK LOMBARDO)

The Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, PC., hereby humbly requests that this Honorable Court, pursuant to Rule 28(b) of the Rhode Island Superior Court Rules of Civil Procedure, for an Order directing that a Commission of this Court issue which authorizes a Notary Public or any person authorized to hear testimony in the **State of Massachusetts** to hear the deposition of **Frank Lombardo** (Food and Drug Administration, Office of Criminal Investigation, Wakefield, MA) and cause the deposition to be signed under oath or affirmed under local law by the deponent and certify and return the same to the clerk of this Court. Such testimony is expected to be transcribed for use at trial. Copies of the Proposed Order, Commission, Subpoena, and Notice for Deposition are attached as Exhibits, A, B, and C.

Respectfully submitted
For the defendants,

/s/ Alysson M. Gray

SEAN E. CAPPLIS, Reg. # 8174
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
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STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 9th day of May 2017, I served and filed the following document:

*DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE DEPOSITION IN
MASSACHUSETTS OF WITNESS (FRANK LOMBARDO)*

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

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Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

Hearing Date: May 25, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

**DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE
DEPOSITION IN MASSACHUSETTS OF WITNESS (ROBERT RONZIO)**

The Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, PC., hereby humbly requests that this Honorable Court, pursuant to Rule 28(b) of the Rhode Island Superior Court Rules of Civil Procedure, for an Order directing that a Commission of this Court issue which authorizes a Notary Public or any person authorized to hear testimony in the **State of Massachusetts** to hear the deposition of **Robert Ronzio** and cause the deposition to be signed under oath or affirmed under local law by the deponent and certify and return the same to the clerk of this Court. Such testimony is expected to be transcribed for use at trial. Copies of the Proposed Order, Commission, Subpoena, and Notice for Deposition are attached as Exhibits, A, B, and C.

Respectfully submitted
For the defendants,

/s/ Alysson M. Gray

SEAN E. CAPPLIS, Reg. # 8174
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
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STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 9th day of May 2017, I served and filed the following document:

*DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE DEPOSITION IN
MASSACHUSETTS OF WITNESS (ROBERT RONZIO)*

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

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Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

Hearing Date: May 25, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE
DEPOSITION IN MASSACHUSETTS OF WITNESS (SARAH ALBERT)

The Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, PC., hereby humbly requests that this Honorable Court, pursuant to Rule 28(b) of the Rhode Island Superior Court Rules of Civil Procedure, for an Order directing that a Commission of this Court issue which authorizes a Notary Public or any person authorized to hear testimony in the **State of Massachusetts** to hear the deposition of **Sarah Albert** (Department of Defense, Defense Criminal Investigation Service, Boston, MA) and cause the deposition to be signed under oath or affirmed under local law by the deponent and certify and return the same to the clerk of this Court. Such testimony is expected to be transcribed for use at trial. Copies of the Proposed Order, Commission, Subpoena, and Notice for Deposition are attached as Exhibits, A, B, and C.

Respectfully submitted
For the defendants,

/s/ Alysson M. Gray
SEAN E. CAPPLIS, Reg. # 8174
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
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agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)

VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 9th day of May 2017, I served and filed the following document:

*DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE DEPOSITION IN
MASSACHUSETTS OF WITNESS (SARAH ALBERT)*

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

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Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

Hearing Date: May 25, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

**DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE
DEPOSITION IN MARYLAND OF WITNESS (STACEY DEGARMO)**

The Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, PC., hereby humbly requests that this Honorable Court, pursuant to Rule 28(b) of the Rhode Island Superior Court Rules of Civil Procedure, for an Order directing that a Commission of this Court issue which authorizes a Notary Public or any person authorized to hear testimony in the **State of Maryland** to hear the deposition of **Stacey Degarmo** (Food and Drug Administration, Rockville M.D.) and cause the deposition to be signed under oath or affirmed under local law by the deponent and certify and return the same to the clerk of this Court. Such testimony is expected to be transcribed for use at trial. Copies of the Proposed Order, Commission, Subpoena, and Notice for Deposition are attached as Exhibits, A, B, and C.

Respectfully submitted
For the defendants,

/s/ Alysson M. Gray

SEAN E. CAPPLIS, Reg. # 8174
ALYSSON M. GRAY, Reg. # 9285
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STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)

VS.)

ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 9th day of May 2017, I served and filed the following document:

*DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE DEPOSITION IN
MARYLAND OF WITNESS (STACEY DEGARMO)*

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

Hearing Date: May 25, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

**DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE
DEPOSITION IN MASSACHUSETTS OF WITNESS (SUNEELA MISTRY)**

The Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, PC., hereby humbly requests that this Honorable Court, pursuant to Rule 28(b) of the Rhode Island Superior Court Rules of Civil Procedure, for an Order directing that a Commission of this Court issue which authorizes a Notary Public or any person authorized to hear testimony in the **State of Massachusetts** to hear the deposition of **Suncela Mistry (UniClean, Nashua, NH)** and cause the deposition to be signed under oath or affirmed under local law by the deponent and certify and return the same to the clerk of this Court. Such testimony is expected to be transcribed for use at trial. Copies of the Proposed Order, Commission, Subpoena, and Notice for Deposition are attached as Exhibits, A, B, and C.

Respectfully submitted
For the defendants,

/s/ Alysson M. Gray

SEAN E. CAPPLIS, Reg. # 8174
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
scapplis@ccclaw.org
agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT

NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)

VS.)
)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 9th day of May 2017, I served and filed the following document:

DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE DEPOSITION IN MASSACHUSETTS OF WITNESS (SUNEELA MISTRY)

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

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Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

Hearing Date: May 25, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

**DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE
DEPOSITION IN OKLAHOMA OF WITNESS (TIFFANY HYDE)**

The Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, PC., hereby humbly requests that this Honorable Court, pursuant to Rule 28(b) of the Rhode Island Superior Court Rules of Civil Procedure, for an Order directing that a Commission of this Court issue which authorizes a Notary Public or any person authorized to hear testimony in the **State of Oklahoma** to hear the deposition of **Tiffany Hyde** (Analytical Research Laboratories, Oklahoma City, OK) and cause the deposition to be signed under oath or affirmed under local law by the deponent and certify and return the same to the clerk of this Court. Such testimony is expected to be transcribed for use at trial. Copies of the Proposed Order, Commission, Subpoena, and Notice for Deposition are attached as Exhibits, A, B, and C.

Respectfully submitted
For the defendants,

/s/ Alysson M. Gray

SEAN E. CAPPLIS, Reg. # 8174
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
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scapplis@ccclaw.org
agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 9th day of May 2017, I served and filed the following document:

*DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE DEPOSITION IN
OKLAHOMA OF WITNESS (TIFFANY HYDE)*

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

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Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

Hearing Date: May 25, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

**DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE
DEPOSITION IN OKLAHOMA OF WITNESS (TOM MEANS)**

The Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, PC., hereby humbly requests that this Honorable Court, pursuant to Rule 28(b) of the Rhode Island Superior Court Rules of Civil Procedure, for an Order directing that a Commission of this Court issue which authorizes a Notary Public or any person authorized to hear testimony in the **State of Oklahoma** to hear the deposition of **Tom Means** (Analytical Research Laboratories, Oklahoma City, OK) and cause the deposition to be signed under oath or affirmed under local law by the deponent and certify and return the same to the clerk of this Court. Such testimony is expected to be transcribed for use at trial. Copies of the Proposed Order, Commission, Subpoena, and Notice for Deposition are attached as Exhibits, A, B, and C.

Respectfully submitted
For the defendants,

/s/ Alysson M. Gray

SEAN E. CAPPLIS, Reg. # 8174
ALYSSON M. GRAY, Reg. # 9285
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18 Tremont Street – Suite 330
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agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUJ. R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 9th day of May 2017, I served and filed the following document:

*DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE DEPOSITION IN
OKLAHOMA OF WITNESS (TOM MEANS)*

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

Hearing Date: May 25, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

**DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE 30(b)(6)
DEPOSITION IN MASSACHUSETTS OF UNIFIRST CORPORATION A/D/B/A/
UNICLEAN CLEANROOM SERVICES**

The Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, PC., hereby humbly requests that this Honorable Court, pursuant to Rule 28(b) of the Rhode Island Superior Court Rules of Civil Procedure, for an Order directing that a Commission of this Court issue which authorizes a Notary Public or any person authorized to hear testimony in the **State of Massachusetts** to hear the 30(b)(6) deposition of **UniFirst Corporation a/d/b/a/ UniClean Cleanroom** Services and cause the deposition to be signed under oath or affirmed under local law by the deponent and certify and return the same to the clerk of this Court. Such testimony is expected to be transcribed for use at trial. Copies of the Proposed Order, Commission, Subpoena, and Notice for Deposition are attached as Exhibits, A, B, and C.

Respectfully submitted
For the defendants,

/s/ Alysson M. Gray

SEAN E. CAPPLIS, Reg. # 8174
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street -- Suite 330
Boston, MA 02108
(617) 227-0722
scapplis@ccclaw.org
agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)

VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 9th day of May 2017, I served and filed the following document:

*DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE 30(b)(6)
DEPOSITION IN MASSACHUSETTS OF UNIFIRST CORPORATION A/D/B/A/ UNICLEAN
CLEANROOM SERVICES*

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

Hearing Date: May 25, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

**DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE
DEPOSITION IN MASSACHUSETTS OF WITNESS (WILLIAM FRISCH)**

The Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, PC., hereby humbly requests that this Honorable Court, pursuant to Rule 28(b) of the Rhode Island Superior Court Rules of Civil Procedure, for an Order directing that a Commission of this Court issue which authorizes a Notary Public or any person authorized to hear testimony in the **State of Massachusetts** to hear the deposition of **William Frisch** (Massachusetts Board of Registration in Pharmacy, Boston, MA) and cause the deposition to be signed under oath or affirmed under local law by the deponent and certify and return the same to the clerk of this Court. Such testimony is expected to be transcribed for use at trial. Copies of the Proposed Order, Commission, Subpoena, and Notice for Deposition are attached as Exhibits, A, B, and C.

Respectfully submitted
For the defendants,

/s/ Alysson M. Gray

SEAN E. CAPPLIS, Reg. # 8174
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
scapplis@ccclaw.org
agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)

VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 9th day of May 2017, I served and filed the following document:

DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE DEPOSITION IN MASSACHUSETTS OF WITNESS (WILLIAM FRISCH)

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

Hearing Date: June 8, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

**DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE
DEPOSITION IN MASSACHUSETTS OF WITNESS (BETH REYNOLDS)**

The Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, PC., hereby humbly requests that this Honorable Court, pursuant to Rule 28(b) of the Rhode Island Superior Court Rules of Civil Procedure, for an Order directing that a Commission of this Court issue which authorizes a Notary Public or any person authorized to hear testimony in the **State of Massachusetts** to hear the deposition of **Beth Reynolds** (Framingham, MA) and cause the deposition to be signed under oath or affirmed under local law by the deponent and certify and return the same to the clerk of this Court. Such testimony is expected to be transcribed for use at trial. Copies of the Proposed Order, Commission, Subpoena, and Notice for Deposition are attached as Exhibits, A, B, and C.

Respectfully submitted
For the defendants,

/s/ Alysson M. Gray

SEAN E. CAPPLIS, Reg. # 8174
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
scapplis@ccclaw.org
agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 19 day of May 2017, I served and filed the following document:

DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE DEPOSITION IN MASSACHUSETTS OF WITNESS (BETH REYNOLDS)

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

Hearing Date: June 8, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

**DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE
DEPOSITION IN MASSACHUSETTS OF WITNESS (DEREK CARVALHO)**

The Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, PC., hereby humbly requests that this Honorable Court, pursuant to Rule 28(b) of the Rhode Island Superior Court Rules of Civil Procedure, for an Order directing that a Commission of this Court issue which authorizes a Notary Public or any person authorized to hear testimony in the **State of Massachusetts** to hear the deposition of **Derek Carvalho** (Hudson, MA) and cause the deposition to be signed under oath or affirmed under local law by the deponent and certify and return the same to the clerk of this Court. Such testimony is expected to be transcribed for use at trial. Copies of the Proposed Order, Commission, Subpoena, and Notice for Deposition are attached as Exhibits, A, B, and C.

Respectfully submitted
For the defendants,

/s/ Alysson M. Gray

SEAN E. CAPPLIS, Reg. # 8174
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
scapplis@ccclaw.org
agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT

NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)

VS.)

ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 19 day of May 2017, I served and filed the following document:

DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE DEPOSITION IN MASSACHUSETTS OF WITNESS (DEREK CARVALHO)

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

Hearing Date: June 8, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

**DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE
DEPOSITION IN MASSACHUSETTS OF WITNESS (JOSEPH CONNOLLY)**

The Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, PC., hereby humbly requests that this Honorable Court, pursuant to Rule 28(b) of the Rhode Island Superior Court Rules of Civil Procedure, for an Order directing that a Commission of this Court issue which authorizes a Notary Public or any person authorized to hear testimony in the **State of Massachusetts** to hear the deposition of **Joseph Connolly** (Mansfield, MA) and cause the deposition to be signed under oath or affirmed under local law by the deponent and certify and return the same to the clerk of this Court. Such testimony is expected to be transcribed for use at trial. Copies of the Proposed Order, Commission, Subpoena, and Notice for Deposition are attached as Exhibits, A, B, and C.

Respectfully submitted
For the defendants,

/s/ Alysson M. Gray

SEAN E. CAPPLIS, Reg. # 8174
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
scapplis@ccclaw.org
agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 19 day of May 2017, I served and filed the following document:

DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE DEPOSITION IN MASSACHUSETTS OF WITNESS (JOSEPH CONNOLLY)

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

Hearing Date: June 8, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

**DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE
DEPOSITION IN MASSACHUSETTS OF WITNESS (KENNETH BONEAU)**

The Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, PC., hereby humbly requests that this Honorable Court, pursuant to Rule 28(b) of the Rhode Island Superior Court Rules of Civil Procedure, for an Order directing that a Commission of this Court issue which authorizes a Notary Public or any person authorized to hear testimony in the **State of Massachusetts** to hear the deposition of **Kenneth Boneau** (Framingham, MA) and cause the deposition to be signed under oath or affirmed under local law by the deponent and certify and return the same to the clerk of this Court. Such testimony is expected to be transcribed for use at trial. Copies of the Proposed Order, Commission, Subpoena, and Notice for Deposition are attached as Exhibits, A, B, and C.

Respectfully submitted
For the defendants,

/s/ Alysson M. Gray

SEAN E. CAPPLIS, Reg. # 8174
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
scapplis@ccclaw.org
agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT

NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)

VS.)

ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 19 day of May 2017, I served and filed the following document:

DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE DEPOSITION IN MASSACHUSETTS OF WITNESS (KENNETH BONEAU)

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

Hearing Date: June 8, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

**DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE
DEPOSITION IN MASSACHUSETTS OF WITNESS (NICHOLAS BOOTH)**

The Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, PC., hereby humbly requests that this Honorable Court, pursuant to Rule 28(b) of the Rhode Island Superior Court Rules of Civil Procedure, for an Order directing that a Commission of this Court issue which authorizes a Notary Public or any person authorized to hear testimony in the **State of Massachusetts** to hear the deposition of **Nicholas Booth** (Framingham, MA) and cause the deposition to be signed under oath or affirmed under local law by the deponent and certify and return the same to the clerk of this Court. Such testimony is expected to be transcribed for use at trial. Copies of the Proposed Order, Commission, Subpoena, and Notice for Deposition are attached as Exhibits, A, B, and C.

Respectfully submitted
For the defendants,

/s/ Alysson M. Gray
SEAN E. CAPPLIS, Reg. # 8174
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
scapplis@ccclaw.org
agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 19 day of May 2017, I served and filed the following document:

*DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE DEPOSITION IN
MASSACHUSETTS OF WITNESS (NICHOLAS BOOTH)*

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

Case Number: PC-2013-3207
Filed in Providence/Bristol County Superior Court
Submitted: 5/9/2017 1:55:36 PM
Envelope: 1036199
Reviewer: Lynn G.

Hearing Date: May 25, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

**DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE
DEPOSITION IN MASSACHUSETTS OF WITNESS (SAMUEL PENTA)**

The Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, PC., hereby humbly requests that this Honorable Court, pursuant to Rule 28(b) of the Rhode Island Superior Court Rules of Civil Procedure, for an Order directing that a Commission of this Court issue which authorizes a Notary Public or any person authorized to hear testimony in the **State of Massachusetts** to hear the deposition of **Samuel Penta (MA Board of Pharmacy)** and cause the deposition to be signed under oath or affirmed under local law by the deponent and certify and return the same to the clerk of this Court. Such testimony is expected to be transcribed for use at trial. Copies of the Proposed Order, Commission, Subpoena, and Notice for Deposition are attached as Exhibits, A, B, and C.

Case Number: PC-2013-3207
Filed in Providence/Bristol County Superior Court
Submitted: 5/9/2017 1:55:36 PM
Envelope: 1036199
Reviewer: Lynn G.

Respectfully submitted
For the defendants,

/s/ Alysson M. Gray

SEAN E. CAPPLIS, Reg. # 8174
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
scapplis@ccclaw.org
agray@ccclaw.org

Case Number: PC-2013-3207
Filed in Providence/Bristol County Superior Court
Submitted: 5/9/2017 1:55:36 PM
Envelope: 1036199
Reviewer: Lynn G.

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)

VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 9th day of May 2017, I served and filed the following document:

DEFENDANTS' MOTION FOR ISSUANCE OF COMMISSION TO TAKE DEPOSITION IN MASSACHUSETTS OF WITNESS (SAMUEL PENTA)

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

Exhibit H:
Subpoena and Deposition Notice of
John Notarianni

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)

VS.)

ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

NOTICE OF TAKING DEPOSITION

TO: Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Please take notice that, at **10:00 a.m.**, on **Monday, August 2, 2017**, at the offices of **Capplis Connors and Carroll, P.C.**, 55 Pine Street, Second Floor, Providence, R.I., the Defendant(s) in this action, by his (her) (its) attorney(s), will take the deposition upon oral examination of **John Notarianni, Jr.** (21 Stephanie Drive, Scituate, RI 02816), pursuant to the applicable provisions of the Rhode Island Rules of Civil Procedure, before Jones Reporting Company, NOTARY PUBLIC in and for the Rhode Island, or before some other officer authorized by law to administer oaths. The oral examination will continue from day to day until completed.

You are invited to attend and cross-examine.

Respectfully,
Attorney for Defendant

/s/ Alysson M. Gray
Alysson M. Gray, Reg. # 9285 (RI)

DATED: May 19, 2017

STATE OF RHODE ISLAND
PROVIDENCE, SS
SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 19 day of May 2017, I served and filed the following document:

NOTICE OF TAKING DEPOSITION OF JOHN NOTARIANNI

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

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Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUBPOENA - CIVIL

Plaintiff/Petitioner Patricia Schmiedeknecht, et al.	Civil Action File Number PC-2013-3207
Defendant/Respondent Ocean State Pain Management, P.C., et al.	

<input type="checkbox"/> Murray Judicial Complex Newport County 45 Washington Square Newport, Rhode Island 02840-2913 *(401) 841-8330	<input type="checkbox"/> Noel Judicial Complex Kent County 222 Quaker Lane Warwick, Rhode Island 02886-0107 *(401) 822-6900
<input type="checkbox"/> McGrath Judicial Complex Washington County 4800 Tower Hill Road Wakefield, Rhode Island 02879-2239 *(401) 782-4121	<input checked="" type="checkbox"/> Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence, Rhode Island 02903-2719 *(401) 222-3230

TO: John Notarianni, Jr.
of 21 Stephanie Drive, Scituate, RI, 02816

☐ **YOU ARE HEREBY COMMANDED** to appear in the Superior Court listed above at the date, time, and courtroom specified below to testify in the above-entitled case and bring with you:

Courtroom	Date	Time

If you need language assistance, please contact the Office of Court Interpreters at (401) 222-8710 or by email at interpreterfeedback@courts.ri.gov before your court appearance.

* If an accommodation for a disability is necessary, please contact the Superior Court Clerk's Office at the telephone number listed above as soon as possible. TTY users can contact the Superior Court through Rhode Island Relay at 7-1-1 or 1-800-745-5555 (TTY) to voice number.

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

☒ **YOU ARE HEREBY COMMANDED** to appear at the location, date, and time specified below to testify at the taking of a deposition in the above-entitled case.

Location of Deposition	Date	Time
55 Pine Street, 2nd Fl, Providence, RI	August 2, 2017	10:00 a.m.

☐ **YOU ARE HEREBY COMMANDED** to produce and permit inspection and copying of the following documents or objects at location, date, and time specified below (list documents or objects):

Location	Date	Time

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf and may set forth, for each person designated, the matters on which the person will testify. (Rule 30(b)(6) of the Superior Court Rule of Civil Procedure).

/s/ <u>Alysson M. gray</u> Attorney for the <input type="checkbox"/> Plaintiff/Petitioner <input checked="" type="checkbox"/> Defendant/Respondent or <input type="checkbox"/> Plaintiff/Petitioner <input type="checkbox"/> Defendant/Respondent	Rhode Island Bar Number: 9285
	Date: 5/19/2017
Telephone Number: 617-227-0722	

Issued by <input type="checkbox"/> Clerk, <input type="checkbox"/> Notary, or <input type="checkbox"/> Issuing Official pursuant to G.L. 1956 § 9-17-3	Date:
--	-------

/s/ _____
Clerk

Name of Notary

Signature of Notary

Notary commission expires: _____

Notary identification number: _____

Name of Issuing Official

Signature of Issuing Official

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

The following information is being provided pursuant to Rule 45(c), (d), and (e) of the Superior Court Rules of Civil Procedure.

(c) Protection of Persons Subject to Subpoenas.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents, or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing, or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within fourteen (14) days after service of the subpoena or before the time specified for compliance if such time is less than fourteen (14) days after service, serve upon the self-represented litigant or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:
 - (i) Fails to allow reasonable time for compliance;
 - (ii) Requires disclosure of privileged or other protected matter and no exception or waiver applies; or
 - (iii) Subjects a person to undue burden.
(B) If a subpoena
 - (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
 - (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party,the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
 - (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.
- (e) Contempt.** Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court in which the action is pending.

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Plaintiff/Petitioner Patricia Schmiedelencht, et al.	Civil Action File Number PC-2013-3207
Defendant/Petitioner Ocean State Pain Management, P.C., et al.	

PROOF OF SERVICE	
<input type="checkbox"/> I hereby certify that on the date below I served a copy of this Subpoena on _____ personally.	
<input type="checkbox"/> I hereby certify that I was unable to make service after the following reasonable attempts: _____	
SERVICE DATE: ____ / ____ / ____ Month Day Year	SERVICE FEE \$ _____
Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE	
SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.	
Signature _____	
State of _____	
County of _____	
On this ____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____	
<input type="checkbox"/> personally known to the notary or <input type="checkbox"/> proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.	
Notary Public: _____	
My commission expires: _____	
Notary identification number: _____	

Exhibit I:
**Plaintiff's Objection to Defendants' Motions for
the Issuance of Commissions to Take Out-of-
State Depositions**

Case Number: PC-2013-3207
Filed in Providence/Bristol County Superior Court
Submitted: 5/31/2017 11:49:39 AM
Envelope: 1062878
Reviewer: Lynn G.

HEARING DATE: JUNE 9, 2017 AT 9:30 A.M. BEFORE JUDGE KEOUGH

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

PATRICIA SCHMIEDEKNECHT and
WAYNE SCHMIEDEKNECHT, SR.,
Individually and as p.p.a. GRACE E.
SCHMIEDEKNECHT, a minor and
ALLISON K. NEWCUM

v.

C.A. No. PC 2013-3207

REX APPENFELLER, M.D.;
ABDUL R. BARAKAT, M.D.;
OCEAN STATE PAIN MANAGEMENT, PC;
ANCHOR MEDICAL ASSOCIATES;
JOHN and/or JANE DOE, M.D. Alias;
JOHN and/or JANE DOE, R.N., Alias; and
JOHN DOE CORPORATION, Alias

PLAINTIFFS' MOTION FOR PROTECTIVE ORDER

Now come Plaintiffs in the above-entitled matter and move for a protective order under Rule 26(c), protecting the Plaintiffs from the undue burden and expense of the deposition of John Notarianni, Jr., which is scheduled for August 2, 2017. On May 9, 2017 and May 19, 2017, Defendants Dr. Barakat and Ocean State Pain Management moved in this medical negligence/product liability case for the issuance of commissions to take twenty-four (24) out of state, irrelevant and cumulative depositions. On May 19, 2017, Defendants also noticed the deposition of John Notarianni, Jr., a resident of Rhode Island with connections to these 24 other witnesses.

In Dr. Barakat's answers to interrogatories, he includes almost all the above-named individuals in a trial witness list with the following preamble: "We intend to solicit testimony from individuals who provided both relevant and pertinent information during the federal criminal trial *United States v. Barry J. Cadden, Glen A. Chin* (No. 14-cr-10363-RGS-1 2). The

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following list of witnesses is the entire witness list for the Government's case-and-chief [sic]." (Emphasis supplied.)

Plaintiffs object and move for a protective order under Rule 26(c) because if Defendants were allowed to take these additional five irrelevant and cumulative depositions – in Massachusetts – the Plaintiffs would be unduly burdened by the deposition and travel expenses. On their face, these depositions would be a waste of significant time and money.

Upon a motion by a party or by the person from whom discovery is sought, this Court may make "any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including ... (1) That the disclosure or discovery not be had." Super. R. Civ. P. 26(c). Such an order may enter upon the finding of "good cause shown." Super. R. Civ. P. 26(c). In granting or denying discovery motions, "a Superior Court justice has broad discretion." Colvin v. Lekas, 731 A.2d 718, 720 (R.I.1999). Additionally, when discovery sought is neither relevant to the subject matter of the pending litigation, nor reasonably calculated to lead to the discovery of admissible evidence, a protective order may enter. Travelers Ins. Co. v. Hindle, 748 A.2d 256 (R.I.2000).

The claims in this medical negligence/product liability action arise out of Dr. Barakat's treatment of Patricia Schmiedeknecht for her back pain, including Dr. Barakat injecting Plaintiff with steroids on September 8, 15, 22, and 29, 2012. Dr. Barakat admitted under oath that at least the September 22, 2012 spinal injection was from a contaminated vial containing fungal meningitis. Plaintiff then developed fungal meningitis, which triggered numerous serious complications. All of the steroids Dr. Barakat administered to Plaintiff were manufactured and distributed by non-party New England Compounding Center

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(NECC), which has been the subject of separate bankruptcy and criminal charges related to the fungal meningitis outbreak.

The NECC criminal charges, parties, and witnesses are not relevant to any claim in this matter, which sounds in medical negligence and product liability. Neither Dr. Barakat nor Ocean State Pain Management have any involvement in the NECC bankruptcy or criminal proceedings. And there is no likelihood whatsoever that the NECC witnesses will have knowledge of Dr. Barakat and Ocean State Pain Management's treatment of this patient. For Plaintiffs, prosecuting a fungal meningitis case is already expensive because of the need for medical experts' review and consultation. It would be overly burdensome if were Defendants allowed to somehow turn this case into a cross-country criminal investigation, where neither Plaintiffs nor Defendants have any claims against the NECC entities.

Based on all of the foregoing, Plaintiffs respectfully submit that they have shown good cause and protective order should enter.

Plaintiffs,
By their Attorneys,

/s/ Shad Miller
Amato A. DeLuca (#0531)
Shad Miller (#8594)
Candace Brown Casey (#7986)
DeLUCA & WEIZENBAUM, LTD.
199 North Main Street
Providence, RI 02903
(401) 453-1500
(401) 453-1501 Fax

Case Number: PC-2013-3207
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CERTIFICATE OF ATTORNEY

I, Shad Miller, hereby certify that pursuant to Rule 37(a)(2) of the Rhode Island Rules of Civil Procedure, I made a good faith effort by attempting to confer with opposing counsel to resolve the pending discovery issues raised by the foregoing Motion.

/s/ Shad Miller

Case Number: PC-2013-3207
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STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

PATRICIA SCHMIEDEKNECHT and
WAYNE SCHMIEDEKNECHT, SR.,
Individually and as p.p.a. GRACE E.
SCHMIEDEKNECHT, a minor and
ALLISON K. NEWCUM

v.

C.A. No. PC 2013-3207

REX APPENFELLER, M.D.;
ABDUL R. BARAKAT, M.D.;
OCEAN STATE PAIN MANAGEMENT, PC;
ANCHOR MEDICAL ASSOCIATES;
JOHN and/or JANE DOE, M.D. Alias;
JOHN and/or JANE DOE, R.N., Alias; and
JOHN DOE CORPORATION, Alias

CERTIFICATE OF SERVICE

I hereby certify that on the 31st of May 2017 I e-filed and e-served the following document:

Plaintiffs' Motion for Protective Order

through the electronic filing system on the following parties:

Sean E. Capplis, Esq.
Capplis & Connors, PC
18 Tremont Street, Suite 220
Boston, MA 02108
Attorneys for Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C.

Francis A. Connor, III, Esq.
Mark R. Fleury, Esq.
Barton & Gilman, LLP
10 Dorrance Street, Suite 700
Providence, RI 02903
Attorneys for Rex Appenfeller, M.D. and Anchor Medical Associates

The document electronically filed and served is available for viewing/downloading from the Rhode Island Judiciary's Electronic Filing System.

/s/ Natalie Iervolino

Hearing Date: June 9, 2017 at 9:30 a.m. before Judge Keough

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor,)
Plaintiffs)

VS.)

ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et. al.)
Defendants)

DEFENDANTS, ABDUL R. BARAKAT M.D. & OCEAN STATE PAIN MANAGEMENT,
P.C.'S OBJECTION TO PLAINTIFF'S MOTION FOR PROTECTIVE ORDER

Now come the Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, P.C., and hereby object to Plaintiffs, Motion for Protective Order, preventing the deposition of John Notarianni, Jr. scheduled for August 2, 2017.

The Defendants submit that the deposition of Mr. Notarianni is highly relevant to the question of causation in this case. Mr. Notarianni was an employee of the New England Compounding Company (NECC), the compounding center which manufactured and sold the methylprednisolone acetate (MPA) that was administered to the plaintiff and caused her to contract fungal meningitis. Mr. Notarianni's testimony regarding the fraudulent conduct of his employer will serve as relevant evidence integral to the defendant's defense. No burden is placed upon the Plaintiff as Mr. Notarianni is a Rhode Island resident and can be deposed within this jurisdiction.

The Defendants further rely on the following memorandum of law.

Respectfully submitted,
By their attorney,

/s/ Alysson M. Gray
CAPPLIS, CONNORS, & CARROLL, P.C.
ALYSSON M. GRAY
Reg. # 9285
18 Tremont Street, #330
Boston, MA 02108
(617) 227-0122

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor,)
Plaintiffs)

VS.)

ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et. al.)
Defendants)

CERTIFICATE OF SERVICE

I, Alysson M. Gray, attorney for said defendants, hereby make oath that I have this day served a copy of the attached:

DEFENDANTS, ABDUL R. BARAKAT M.D. & OCEAN STATE PAIN MANAGEMENT,
P.C.'S OBJECTION TO PLAINTIFF'S MOTION FOR PROTECTIVE ORDER

upon all parties, through the e-filing system directed to:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

Signed under the pains and penalties of perjury.

DATED: 6/5/2017

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. #9285
Capplis, Connors & Carroll, PC
18 Tremont Street - Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org